

TOWN PLANNING BOARD

Minutes of 500th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 22.11.2013

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

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

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

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

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr Rock C.N. Chen

Mr Ivan C.S. Fu

Mr F.C. Chan

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

In Attendance

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

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 499th RNTPC Meeting held on 8.11.2013

[Open Meeting]

1. The draft minutes of the 499th RNTPC meeting held on 8.11.2013 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/11 Application for Amendment to the Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/17 from “Industrial” to “Government, Institution or Community”, and to revise the Schedule of Use for the “Government, Institution or Community” Zone by replacing ‘Columbarium’ by ‘Columbarium (including addition of niches)’ under Column 2, 23 Yip Cheong Street, Fanling (Fanling Sheung Shui Town Lot 163)
(RNTPC Paper No. Y/FSS/11)

3. The Secretary reported that MVA Hong Kong Ltd. was one of the consultants of the applicant. Mr Ivan Fu, who had current business dealing with MVA Hong Kong Ltd., had declared an interest in this item. Members noted that Mr Ivan Fu had tendered

apologies for being unable to attend the meeting.

4. The Secretary reported that on 13.11.2013, the applicant's representative requested the Board to defer the consideration of the application in order to allow additional two months' time to address the comments of the Transport Department (TD) and the Police. The Planning Department (PlanD) did not support the request for deferment. The deferment request was submitted together with the Paper to the Committee for consideration. The applicant's representatives should be invited to explain before the Committee the reasons for the deferment request. The Committee should then be invited to consider whether or not to accede to the applicant's request for deferment.

5. Mr C.K. Soh, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Mr Otto Chan, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), and the following representatives of the applicant were invited to the meeting at this point :

Mr Sit Kwok Keung

Mr Edwin Lau

Mr Albert Cheng

Mr Joseph Lee

Mr Alan Pun

6. The Chairman extended a welcome and explained that the Committee would invite the applicant's representatives to explain the reasons for requesting deferral of the consideration of the application. Upon the Chairman's invitation, Mr Albert Cheng explained the applicant's reasons as follows:

- (a) the Police's comments were received from PlanD on 7.11.2013. More time was required to collect data to assess the traffic impacts of additional niches due to the future expansion of Wo Hop Shek Cemetery and the proposed Sandy Ridge Cemetery as required by the Police. The applicant needed more time to collect data to respond to the Police's comments; and
- (b) more time was needed to study the feasibility of adopting some innovative crowd management measures, such as restricting people to visit the

columbarium at different sessions, so as to minimise the impact of the proposed columbarium on traffic and pedestrian flows.

7. The Chairman then invited Mr Otto Chan, STP/STN, to make response to the applicant's deferment request. With the aid of a Powerpoint presentation, Mr Chan said that the Planning Department (PlanD) did not support the request for deferment. The applicant had submitted two previous rezoning applications for similar use at the application site, which were rejected by the Committee on 15.4.2011 and 24.8.2012 respectively. In both applications, the applicant failed to demonstrate that the proposed columbarium use would not cause adverse impacts on traffic and pedestrian flows in the surrounding area. Although the number of niches had been reduced in the current application, the applicant should be well aware of the technical requirements and concerns of the Commissioner for Transport (C for T) and the Commissioner of Police (C of P) and should have had adequate time to resolve these issues before making a further application. The deferment requested by the applicant was therefore not in line with 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) in that the request for deferment was without reasonable grounds. There were also 10 public comments raising objection to or adverse comments on the application.

8. In response to the Chairman's question, Mr C.K. Soh said that the information on the proposed expansion of Wo Hop Shek Cemetery and the proposed Sandy Ridge Cemetery was available to the public.

9. In response to some Members' questions, Mr C.K. Soh said that since 2011 when the applicant submitted the first rezoning application for columbarium use at the site, concerned departments had raised similar concerns on the application. The two previous applications were rejected mainly on grounds of land use incompatibility and adverse impacts on traffic and pedestrian circulation. The applicant should have had adequate time to revise the scheme to address the departmental concerns and issues. However, the applicant only responded to the departmental concerns passively by making minor changes to the proposal each time. Besides, the applicant's submissions to address the traffic and pedestrian circulation issues were not accepted by concerned departments. The applicant also failed to address other concerns such as land use incompatibility. Given the above, it was considered

that the applicant's deferment request was not justified.

10. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the Committee would deliberate on the deferment request in their absence, and would invite them to return to the meeting after the deliberation. The applicant's representatives and PlanD's representatives left the meeting temporarily at this point.

Deliberation Session

11. A Member said that the applicant failed to address the issues leading to the rejection of the previous applications. Some Members said that the proposed expansion of Wo Hop Shek Cemetery and the proposed cemetery at Sandy Ridge had been made known to the public for a rather long time. The requirement from C of P to take account of the above projects should have been taken into account in the traffic impact assessment (TIA) of the proposed columbarium at the subject site and should not be conceived as a new requirement after submission of the application.

12. After deliberation, the Committee decided not to agree to the applicant's deferral request and agreed that the application should be considered at the meeting. The applicant's representatives and PlanD's representatives were then invited back to the meeting and informed of the Committee's decision.

Presentation and Question Sessions

13. The Chairman explained the procedure of the hearing of the application. He then invited Mr Otto Chan, STP/STN, to brief Members on the background of the application. Mr Chan did so with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the application was to rezone the site (about 2,935m²) from "Industrial" ("I") to "Government, Institution or Community" ("G/IC") on the draft

Fanling/Sheung Shui Outline Zoning Plan (OZP) No. S/FSS/17 at the time of submission and the approved Fanling/Sheung Shui OZP No. S/FSS/18 currently in force for proposed internal conversion of an existing 6-storey godown into a columbarium with a total number of 36,000 niches. The applicant had also proposed to revise the Schedule of Use for the “G/IC” zone by replacing ‘Columbarium’ with ‘Columbarium (including addition of niches)’ under Column 2;

- (b) the application site was located at the southern edge of On Lok Tsuen Industrial Area and about 550m away from Fanling MTR Station. It was currently occupied by a 6-storey godown. To the north across Yip Cheong Street were On Hang Industrial Centre, a workshop and a waste service company. To the south and west across Jockey Club Road was Cheung Wah Estate. To the north-west were two vehicle repair workshops;
- (c) according to the applicant’s submission, a total of 36,000 niches were proposed on the 2/F and 3/F of the building (18,000 niches for each floor). The 4/F and 5/F would be left vacant, but would be for columbarium use subject to further planning application. The G/F and 1/F would be used for carpark and visitor holding area. The opening hours of the proposed columbarium would be from 8:00 a.m. to 8:00 p.m. No burning of candle, joss stick and incense would be allowed in the columbarium. The applicant had proposed to set up a Management Committee with members from the District Council, Rural Committees and voluntary agencies to oversee the implementation of the ‘no burning of candle, joss stick and incense’ rule. Moreover, the applicant had proposed to increase the width of the three existing staircases and provide two additional staircases and a pair of escalators from G/F to 3/F. The proposed columbarium would tentatively start operation in 2015 and it was anticipated to be fully occupied by 2018;
- (d) the existing vehicular access abutting Yip Cheong Street would be maintained. Visitor car parking spaces would be provided within the

application site, but the parking spaces would be temporarily suspended during Ching Ming and Chung Yeung Festivals to minimise excessive traffic and parking demand. Advance booking for car parking within the application site was required for non-peak period. The internal driveway on G/F would be another pick-up/drop-off area and the adjacent areas of the internal driveway (which were car parking spaces during normal days) would become traffic free zones as visitor holding areas (Drawing Z-4 of the Paper) during festival periods. In addition, pedestrian directional signages and maps were proposed to be erected to direct the visitors travelling between Fanling MTR Station and the application site (Drawings Z-5 and Z-6 of the Paper) for crowd management to avoid further loading onto surrounding footbridges, subways and pavements. Pamphlets and/or guide maps would be provided and posted to columbarium visitors;

Departmental Comments

- (e) C for T did not support the application since the applicant did not provide sufficient information and analysis to demonstrate that the proposed mitigation measures could minimise the adverse traffic and transportation impacts. He had concern on the possible illegal parking problem along roads. Non-provision of visitor car parking was also not acceptable. Besides, the proposed signages might cause confusion. Traffic conditions and pedestrian arrangement being implemented in the area during the special festival days should be taken into account in the TIA. Walking distance between the proposed columbarium and Fanling MTR Station was about 1km and visitors would have to pass through certain overcrowded spots including the footbridge connecting Fanling MTR Station and Fanling Town Centre;
- (f) C of P did not support the application. Large number of visitors gathering at Fanling MTR Station was expected during festival periods and would bring tremendous pressure to the station. Moreover, the expansion of Wo Hop Shek columbarium facilities and the opening of the Sandy Ridge Cemetery and Columbarium in future would bring tremendous pressure to

the station. However, the huge pedestrian traffic generated by these new columbarium developments had not been taken into account in the Planning Report, rendering the Report inaccurate and unconvincing. Besides, roads near the intended columbarium facilities could not be closed for pedestrian or traffic control. Therefore, implementation of a feasible traffic management plan would be quite remote. The proposed columbarium would generate huge pedestrian traffic which required extra Police resources for crowd control duties particularly during Ching Ming and Chung Yeung Festivals. Sufficient parking facilities had to be arranged to avoid illegal parking along the roads;

- (g) the Director-General of Trade and Industry had reservation on the application. The site was not among those which had been identified as having potential for rezoning in the “Area Assessments 2009 of Industrial Land in the Territory” (Area Assessments 2009). Industrial land in the area would be possibly depleted if the subject application was approved;
- (h) the Chief Building Surveyor/New Territories West, Buildings Department had reservation on the application. He noted that the use of 4/F and 5/F of the building was “vacant”, and partial conversion of the building was considered undesirable from fire safety point of view;
- (i) the Chief Engineer/Mainland North, Drainage Services Department and the Director of Environmental Protection advised that sewerage impact assessment was required in the subsequent planning application stage;

Public Comments

- (j) during the first three weeks of the statutory publication period, 10 public comments were received from Designing Hong Kong Limited, five companies/unit owners of industrial buildings at On Lok Tsuen, and four members of the general public. The District Officer (North) also received some local views on the application from North District Council members, Fanling District Rural Committee (FDRC), North District Manufacturers

Association, the residents representatives of nearby villages, and incorporated owners/owners' corporation of nearby estates. While FDRC supported the application on grounds that it was the social responsibility for provision of columbarium use, the other public comments/views objected to the application on the following grounds:

Traffic

- (i) existing railway, road and pedestrian walkway networks in the locality especially Fanling MTR Station would be overloaded during Ching Ming and Chung Yeung Festivals;
- (ii) insufficient transport facilities were provided in the proposed development;

Land Use Compatibility

- (iii) the proposed columbarium contradicted with the planning intention of the "I" zone;
- (iv) the proposed columbarium was incompatible with the surrounding land uses, including industrial use at On Lok Tsuen, Cheung Wah Estate, Fanling Centre and a number of primary and secondary schools;

Environment

- (v) the applicant did not submit any environmental assessment;
- (vi) the proposed columbarium would cause environmental pollution which affected the health of nearby residents and students;
- (vii) the tranquil environment in Fanling would be destroyed;

Others

- (viii) there were already a number of columbaria and burial grounds in Fanling. Additional niches would be provided in Wo Hop Shek and Sandy Ridge;
- (ix) approval of the application would set an undesirable precedent for similar applications;
- (x) the proposed columbarium would create nuisance and adverse psychological impact on nearby residents, students and workers in On Lok Tsuen;
- (xi) *fung shui*, property and rental prices would be affected.;
- (xii) columbarium could be operated in other districts and areas away from workers and residents; and
- (xiii) it was difficult to control further expansion of the proposed columbarium.

PlanD's views

- (k) PlanD did not support the application based on the assessments made in paragraph 12 of the Paper, which were summarised as follows :
 - (i) On Lok Tsuen Industrial Area was an active industrial area and had been proposed to be retained under the Area Assessments 2009. The proposed rezoning would jeopardise the provision of industrial floor space and employment opportunities in the area;
 - (ii) the proposed columbarium was incompatible with the surrounding land uses in the vicinity, including industrial uses in the immediate north and west; and populated residential developments of Cheung

Wah Estate, Fanling Centre and Fanling Town Centre to the further south and west;

- (iii) C for T did not support the application and advised that the TIA was not acceptable. The applicant had failed to take into account the traffic conditions and pedestrian arrangement implemented in the area during festival days in the TIA;
- (iv) the Police did not support the application and had indicated that it would not be possible to close the roads in the vicinity of the application site for pedestrians and implementation of a feasible traffic management plan would be quite remote. Non-provision of visitor car parking within the application site during festival periods was not acceptable and there was concern on the possible illegal parking along the roads as a result;
- (v) the applicant had failed to demonstrate that the proposed traffic and pedestrian arrangements could address the potential impacts during festival days;
- (vi) partial conversion of industrial building for columbarium use was undesirable from fire safety point of view;
- (vii) detailed sewerage impact assessment (SIA) should be conducted;
- (viii) there was doubt on the practicability of enforcing the implementation of setting up a Management Committee and 'no burning of candle, joss stick and incense' rule;
- (ix) approval of the application would set an undesirable precedent for similar rezoning applications within the "I" zone. The cumulative effect of approving such similar applications would result in loss of industrial floor space and employment opportunities in the area; and

- (x) the proposed revision to the Schedule of Use for the “G/IC” zone was not necessary since even if the rezoning application was agreed, an application for any columbarium use on the site would still be subject to the approval of the Board.

14. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr Albert Cheng made the following main points :

- (a) the proposed rezoning of only one industrial building in On Lok Tsuen Industrial Area to “G/IC” would not adversely affect the industrial land supply and development in this area. About 40% of the industrial land in this area had not been taken up for industrial uses; and
- (b) there was a pressing demand from the community for columbarium niches and the Government columbaria could not meet such demand;
- (c) the applicant had put much effort in rallying the support from the locals and villagers. There was also support from the residents of Cheung Wah Estate; and
- (d) the Committee should be more tolerant in assessing the impacts of the proposed columbarium given that the subject proposed columbarium would benefit the Hong Kong people.

15. Mr Sit Kwok Keung then made the following main points :

- (a) the site was suitable for columbarium use since it was at the corner of the industrial area and was separated from the residential area by a major road;
- (b) there would be no change to the appearance of the building. No burning of candle, joss stick and incense would be allowed in the columbarium. The applicant was confident that the proposed ‘no burning of candle, joss stick and incense’ rule could be implemented in the proposed columbarium in an enclosed building given that the same rule was successfully

implemented in Government-operated open-air columbaria;

- (c) in response to the comments of the Drainage Services Department, a SIA was submitted as further information which demonstrated that the proposed columbarium would not generate any significant sewerage impact (amounted for less than 5% of the sewerage discharge in the area); and
- (d) the additional niches provided in the proposed expansion of Wo Hop Shek Cemetery and the proposed Sandy Ridge Cemetery could not fully meet the shortage of columbarium niches in the territory. There was a need for the private columbarium to provide the needed service.

16. Mr Joseph Lee then made the following main points :

- (a) the proposal was originally intended to be a wholesale conversion instead of partial conversion of the subject industrial building for columbarium use. The applicant did not propose any columbarium use on 4/F and 5/F of the building under the current proposal so as to avoid generating extra pedestrian flow and sewerage impact. The applicant had previously proposed to use these two floors for ancillary workshop for the columbarium. However, such proposal was opposed by the public on grounds of the dust and air pollution generated. As compared to the previous scheme, the traffic and pedestrian flows as well as the sewerage impact generated by the proposed columbarium with a reduced number of niches would be much reduced.

17. Mr Alan Pun then made the following main points :

- (a) the TIA submitted was to assess the impact of the proposed columbarium on the vehicular and pedestrian flows in the Fanling district during the Ching Ming and Chung Yeung Festivals. Traffic survey was conducted at the locations surrounding the application site including the existing columbarium at Fung Ying Seen Koon;

- (b) in response to the concerns of C for T and C of P, the applicant proposed not to open the visitor car parking spaces on the G/F of the subject building during Ching Ming and Chung Yeung Festivals so as to avoid attracting visitors to go there by driving. The G/F area could be used for a visitor holding area to avoid any conflict between cars and visitors. Besides, according to their survey in the TIA, there would be vacant car parking spaces within the reasonable catchment area (i.e. 500m) from the proposed columbarium during Ching Ming and Chung Yeung Festivals to meet the needs of the visitors;

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

- (c) the walking distance between the proposed columbarium and Fanling MTR Station was about one kilometre and should be acceptable as the two cemeteries in Cheung Sha Wan and Tseung Kwan O were about 1km and 2.6km away from the respective nearest MTR station. Visitors to these two cemeteries even had to walk uphill;
- (d) the expansion of Wo Hop Shek Cemetery and the proposed Sandy Ridge Cemetery had been taken into account in the TIA. It was however understood that visitors to these two cemeteries would be transported by shuttle bus to Sheung Shui MTR Station;
- (e) given that Fanling MTR Station was nearer to the proposed columbarium as compared with Sheung Shui MTR Station, the TIA therefore only focused on Fanling MTR Station. As noted from the project profile and the Environmental Impact Assessment for the proposed Sandy Ridge Cemetery dated February 2013, the assessment on the sensitive receivers was concentrated near Sheung Shui MTR Station. There was no information to indicate that such impacts on Fanling MTR Station would need to be assessed. C of P's request to take account of the traffic impact of the proposed Sandy Ridge Cemetery and Wo Hop Shek Cemetery on Fanling MTR Station was a new requirement, so that more time would be required to study the impacts; and

- (f) according to the relevant manual for conducting TIA, the assessment year used in the TIA for the subject proposed columbarium was 2021, i.e. three years after its full occupation. Since the expansion of Wo Hop Shek Cemetery and the proposed Sandy Ridge Cemetery would be completed after 2021, it was considered that there was no need to take into account these projects in the subject TIA.

18. In response to the Vice-chairman's questions, Mr Alan Pun said that according to the findings of the TIA, a pedestrian flow of 2,376 persons at the peak 15 minutes to and from the proposed columbarium as well as 500 to 600 vehicles per hour (mainly taxis and private cars) in the Fanling area would be generated. Besides, the traffic generated by the columbarium mainly concentrated at Ching Ming and Chung Yeung Festivals when industrial activities in the industrial area were not busy. The figures had been taken into account when assessing the traffic impact on the critical junctions and parking spaces in the area. The TIA concluded that there would be no traffic problem. Mr Sit Kwok Keung supplemented that the reduction of the scale of the proposed columbarium from 4 storeys to 2 storeys would minimise the impact created. The Committee should be more tolerant in considering the much needed columbarium use with respect to the traffic and crowd management aspects.

19. In response to the Vice-chairman's further question, Mr Albert Cheng said that the applicant would advise the visitors to use public transport and no visitor parking would be provided in the columbarium during Ching Ming and Chung Yeung Festivals. Such arrangement would be stated in the sales contract of the columbarium niches. Besides, it was a pleasant walk of less than 10 minutes from Fanling MTR Station to the proposed columbarium.

20. In response to a Member's question, Mr Sit Kwok Keung said that the future use of the two vacant floors of the subject building would depend on the future traffic condition and market demand, and a separate TIA would be conducted for any proposed additional columbarium development on these two floors in future. Visitors to a columbarium would normally become less and less when time passed. In response to the Member's further question, Mr Sit said that there was no intention to use the two vacant floors for other government, institution and community uses such as church.

21. In response to a Member's questions, Mr Alan Pun, by making reference to the TIA submitted (Appendix Ia of the Paper), said that among the parking spaces within 500m from the application site as shown on Drawing No. 3.13 of the TIA, 71 car parking spaces were estimated to be vacant on festival periods in year 2021 as shown in Table 5.4 of the TIA. Mr Pun further said that the TIA had identified four major pedestrian routes to the application site as shown on Drawing 3.4 of the TIA. The route passing through Cheung Wah Estate was suggested as an alternative route. In the TIA, visitors were assumed to use only the other three routes to the application site. It was concluded in the TIA that the pedestrian routes to the application site were acceptable.

22. In response to a Member's question, Mr C.K. Soh, by making reference to a plan, said that there was a columbarium within a temple at a "G/IC" site to the north of the application site along Sha Tau Kok Road, which was a suspected unauthorised development without planning permission. There was no columbarium in On Lok Tsuen Industrial Area which was zoned "I".

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

Deliberation Session

24. Some Members said that the applicant still failed to address the issues leading to the rejection of the previous applications, including the traffic impacts and land use incompatibility issue. Although the applicant proposed in the current application to leave 4/F and 5/F of the building vacant leading to a reduction of number of niches by nearly half, the applicant had indicated the possibility of putting those two floors to columbarium use when opportunities arose in future. The number of niches potentially provided on the 4/F and 5/F should also be taken into account. The applicant's approach in addressing the matter was undesirable and the application should not be approved.

25. A Member casted doubt on the availability of vacant parking spaces surrounding Fanling MTR Station during Ching Ming and Chung Yeung Festivals in view of the vibrant activities in the area and active industrial activities in the On Lok Industrial Area.

26. The Chairman said that the proposed columbarium was incompatible with Cheung Wah Estate and other residential developments to the southwest of the application site across Jockey Club Road. A Member shared the Chairman's view and said that the applicant failed to address the land use incompatibility issue arising from the columbarium proposal in the context of the wider area.

27. The Secretary said that the applicant's argument of leaving two floors vacant to reduce the impacts from the proposed columbarium was not justified since these two floors could be used for columbarium use in the future. Given that the proposed expansion of Wo Hop Shek Cemetery and the proposed Sandy Ridge Cemetery were committed projects, the applicant should have taken into account these two projects in the working assumptions of the TIA.

28. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “(a) the planning intention of the “Industrial” (“I”) zone in Fanling New Town area is primarily for general industrial uses to ensure an adequate supply of industrial floor space to meet demand from production-oriented industries. The application site is located at the southern edge of On Lok Tsuen Industrial Area in Fanling New Town which is an active industrial area and has been proposed to be retained under the Area Assessment 2009 of Industrial Land. The proposed rezoning would jeopardise the provision of industrial floor space in the On Lok Tsuen Industrial Area and there is no strong justification to change the “I” zoning of the site;
- (b) the applicant has failed to demonstrate that the proposed columbarium would not cause significant adverse impact on traffic and pedestrian circulation of the surrounding area;

- (c) the applicant has failed to demonstrate that the proposed columbarium would not cause significant adverse impact on the sewerage system; and
- (d) the approval of the rezoning application would set an undesirable precedent for similar rezoning applications within “I” zone. The cumulative effect of approving such similar applications would result in a loss of industrial floor space and employment opportunities in the area.”

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

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/24 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/28 from “Village Type Development” to “Government, Institution or Community” Zone, Lots 8, 9, 12 R.P., 13 & 436 S.B in D.D. 185 and Adjoining Government Land, Pai Tau Village, Sha Tin (RNTPC Paper No. Y/ST/24)

Presentation and Question Sessions

29. Mr C.K. Soh, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr Anthony Luk, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), and the following representatives of the applicant were invited to the meeting at this point :

Mr Christopher Tang

Ms Clora Ho

Ms Charli Chan

Mr Jude Ho

Mr Sik Sheung Ching

Ms Tsang Miu Ling

30. The Chairman extended a welcome and explained the procedure of the hearing.

He then invited Mr Anthony Luk, STP/STN, to brief Members on the background of the application. Mr Luk did so with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to rezone the application site from “Village Type Development” (“V”) to “Government, Institution or Community” (“G/IC”) to allow the continuous operation of the Wai Chuen Monastery (as a religious institution) and to regularise the current use of columbarium through planning application;
- (b) the application site with an area of about 1,396m² was occupied by 9 buildings of one to two storeys (including temple and columbarium area) with the non-domestic gross floor area of about 1,378m² at a plot ratio of 0.99. About 2,500 niches were provided in the columbarium;
- (c) the site was located within the village ‘environs’ (‘VE’) of four recognised villages, and currently occupied by some buildings and temporary structures being used as worshipping hall, columbarium, kitchen and storage. The site was accessible via an existing footpath leading from Pai Tau Street and Sha Tin Railway Station. There was no vehicular access to the site. The surrounding areas were predominantly sloping areas covered by dense vegetation with clusters of religious institutions and columbaria as well as sporadic domestic structures;

Departmental Comments

- (d) the District Lands Officer/Shan Tin, Lands Department (DLO/ST, LandsD) advised that the site fell within the common ‘VE’ of four recognised villages. The site comprised four agricultural lots and one new grant lot. There were squatter structure and unauthorised structures on the lots. The total number of outstanding Small House applications was 83, and the 10-year Small House demand forecast was 506;

- (e) the Commissioner for Transport (C for T) could not render support to the rezoning proposal at the present stage. The proposed development would generate traffic and attract a number of visitors during the peak hours of special festival days. A traffic impact assessment (TIA) was required to ascertain the traffic impacts due to the development and formulate mitigation measures as necessary. The applicant should indicate that provision of car parking spaces and loading/unloading facilities would be adequate to cater for the operational needs for the development. One of the most critical point of the pedestrian flow was the pedestrian ramp connecting Sha Tin MTR Station and Pai Tau Street. The related pedestrian circulation assessment of this area was not provided;
- (f) the Director of Environmental Protection (DEP) did not support the application in view of the lack of technical information to address the potential environmental issues. The applicant should elaborate on the existing pollution load and waste water treatment facilities. If the waste water discharge was connected to sewer, the applicant should submit a sewerage impact assessment. The applicant should address the potential adverse vehicular emissions and noise impact due to traffic access to the application site during Ching Ming and Chung Yeung Festivals, and nuisance from burning of paper/joss stick in the application site. Besides, there was complaint against the bell tolling noise from Wai Chuen Monastery and memorial ceremonies/rites;
- (g) the Secretary for Home Affairs was not able to grant policy support to this application with regard to the proposed religious facilities since the applicant was not a charitable organisation registered under section 88 of Inland Revenue Ordinance;
- (h) the Chief Town Planner, Urban Design and Landscape had no objection to the application. She advised that dense vegetation including mature trees and village houses were found adjacent to the application site. There should be no change to the existing landscape resources and landscape character;

- (i) the District Officer (Sha Tin) advised that some locals had reflected great concerns about the negative impact caused by the columbarium on the traffic network and pedestrian flow at Pai Tau Street;

Public Comments

- (j) during the first three weeks of the statutory public inspection period, 6 public comments were received. 5 comments were received from members of the public and the Designing Hong Kong Limited, objecting to the application on the following grounds:
 - (i) there were limited land within the “V” zone for village development. The site should be reserved for development of Small Houses to be used by the villagers;
 - (ii) the proposed use and development did not comply with the “V” zone;
 - (iii) the approval of the application would set an undesirable precedent to encourage illegal operation of columbarium facilities and pose risk on environmental hygiene on Government land;
 - (iv) the proposed columbarium would induce traffic impact and cause blockage problem of streets, footpaths and emergency access in particular during Ching Ming and Chung Yeung Festivals; and
 - (v) cumulative impacts should be considered;
- (k) The remaining comment from the Chairman of Shatin Rural Committee supported the application on the grounds that Wai Chuen Monastery was a real non-profit making monastery which provided assistance to the needy people; the Chairperson of the monastery was a reputable person; the columbarium in Wai Chuen Monastery had existed for a long time and the number of niches had not increased; and the purpose of the rezoning

application was to regularise the land use incompatibility;

Planning Department (PlanD)'s views

- (l) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :
 - (i) the area was highly mixed with religious institutions, columbaria and domestic structures. Since quite a number of columbaria had been established for a long time, each new application should be assessed on individual merit;
 - (ii) the application site was located at mid-level of To Fung Shan and surrounded by some mature trees and vegetation. The applicant's proposal for the columbarium providing 2,500 niches was not out of proportion with the primary use as religious institution. Sympathetic consideration might be given if technical concerns such as traffic and environmental were addressed;
 - (iii) there was insufficient land in the "V" zone to meet the demand of village houses;
 - (iv) C for T did not support the application since no TIA had been provided to demonstrate that the additional traffic and the cumulative traffic impact generated by the development would be acceptable;
 - (v) although the applicant stated that the proposal would not have any adverse impacts on the environment, drainage and sewerage aspects of the locality, no technical assessment had been provided. As such, DEP did not support the application;
 - (vi) unlike similar approved applications, the applicant had not submitted any technical assessments in support of the proposal; and

- (vii) the approval of the application would set an undesirable precedent for other development of columbarium use. The cumulative effect of approving such similar applications would lead to a general degradation of the traffic and environmental conditions of the area.

31. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Christopher Tang made the following main points :

- (a) the application was to allow the continuous operation of the temple and to facilitate the subsequent regularisation of the existing columbarium within the temple which had existed for over 40 years. There was no plan to provide additional niches in Wai Chuen Monastery;
- (b) it was understood that relevant technical assessments (including TIA and environmental assessment) would be required for the consideration by the concerned departments and the Committee. The applicant would submit the required assessments later. Regarding the traffic impacts in relation to the application, there was indeed no vehicular access to the application site. People usually went to Wai Chuen Monastery by taking MTR to Sha Tin Station and then walking uphill to the monastery;
- (c) Wai Chuen Monastery had existed since the 1950s, i.e. before the gazettal of the first statutory plan covering the application site. As it was an 'existing use' ('EU'), the monastery should be allowed to continue its operation;
- (d) although the existing columbarium at Wai Chuen Monastery did not comply with the provisions of the Outline Zoning Plan (OZP), the columbarium niches had been in use for a long time and could not be removed immediately;
- (e) the application for rezoning the site to "G/IC" in order to allow the continued operation of the temple was an interim step to address the problem. Even if the site was rezoned to "G/IC", an application for the

columbarium within the temple would have to be made later;

- (f) Shatin Rural Committee had submitted a public comment showing support for the application. The applicant also collected 500 villagers' signatures in support of the application which were submitted as a further information; and
- (g) the applicant, Wai Chuen Monastery, was a non-profit making religious institution. The existing columbarium niches in the monastery would be used solely by the Buddhist followers of the monastery as stated in the support letter from the Shatin Rural Committee.

32. In response to the Vice-chairman's questions, Mr Christopher Tang clarified that the applicant was prepared to submit technical assessments in support of the application. Mr Sik Sheung Ching said that the columbarium niches in the monastery were not for open sale but solely be used by the followers who were Buddhists. They only needed to pay an annual management fee of a few hundred dollars until 2047 for using the columbarium niches. In response to a Member's question, Mr Sik said that the columbarium had been in operation since the 1970s and about 1,600 out of the 2,500 niches in the monastery were being occupied.

33. In response to another Member's question, Mr C.K. Soh said that the columbarium at Wai Chuen Monastery was under Part B of the Information on Private Columbaria issued by the Development Bureau. Should the subject section 12A application be approved, the applicant would still need to submit a section 16 application to regularise the existing columbarium use which was a Column 2 use under the "G/IC" zone.

34. In response to the Chairman's questions, Mr C.K. Soh said that the application site fell within a "V" zone where the land uses were highly mixed with religious institutions, columbaria and domestic structures. Some religious institutions and columbaria might have been established there for a long time. Columbarium development in the area could not be regarded as entirely incompatible from the land use planning viewpoint. Each new application for columbarium should be assessed on its own merits including whether there were any technical concerns on the traffic and environmental impacts.

35. In response to a Member's question, Mr C.K. Soh said that according to the applicant, the temple building of Wai Chuen Monastery had existed since the 1950s. The temple building could be regarded as an 'EU' since it was in existence before the publication of the first Sha Tin OZP in 1961. No action would be required to make the 'EU' conform to the OZP. However, the columbarium in Wai Chuen Monastery, which came into existence in 1971, was not an 'EU' and could not be tolerated under the OZP.

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

Deliberation Session

37. The Vice-chairman said that the applicant should have submitted the necessary technical assessments to support the subject rezoning application. Since the applicant had not done so, the application should be rejected.

38. A Member said that the rezoning of the site to "G/IC" would only allow the continued operation of the temple of Wai Chuen Monastery as a religious institution. A separate section 16 application for the columbarium use at the site would still be required even if the rezoning application was approved. The applicant might be allowed to submit detailed technical assessments to justify the columbarium use at the section 16 application stage. Sympathetic consideration could be given to the rezoning application to reflect the temple which was an 'EU'. Another Member shared the same view.

39. On the request of the Chairman, the Secretary explained that the subject application was to allow the continued operation of Wai Chuen Monastery as a religious institution and to facilitate the regularisation of the current columbarium use within the temple through a subsequent section 16 application. Even for the rezoning application stage, the applicant should have submitted broad technical assessments to demonstrate no insurmountable technical problems but it failed to do so. Furthermore, Wai Chuen

Monastery did not have policy support from the Home Affairs Bureau (HAB). It would not be appropriate to permit the temple in the “V” zone which was within the ‘VE’. Given that the applicant had not submitted any broad technical assessment, the approval of the rezoning application under such circumstances would set an undesirable precedent. Even if the rezoning of the site to “G/IC” was not approved by the Committee, the temple of Wai Chuen Monastery being an ‘EU’ could still continue to operate.

40. The Chairman said that rezoning the site to “G/IC” would permit the religious institution use as of right, and the temple could be redeveloped and expanded in future without the need to submit any planning application. As Wai Chuen Monastery did not have policy support from HAB, the rezoning application could not be supported.

41. In response to a Member’s question, the Secretary said that the figure of land available within the “V” zone for meeting Small House demand, as mentioned in paragraph 10.4 of the Paper, was background information for the assessment of the application. It was not a reason for rejecting the application.

42. In response to another Member’s question, the Secretary said that although the current columbarium with the religious institution on the site did not conform to the OZP and no assessment had been conducted to demonstrate that the columbarium was technically feasible, the Planning Authority did not have enforcement power on the columbarium under the Sha Tin OZP. Nevertheless, the subject columbarium could not be moved to Part A of the Information on Private Columbaria if it had not obtained planning permission.

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

43. Two Members considered that it was not clear whether the rejection reasons recommended in paragraph 11.1 of the Paper were referring to Wai Chuen Monastery as a religious institution, or the existing columbarium at the monastery, or both. One of them also asked why the lack of policy support was not suggested as a rejection reason. In response, the Secretary said that the lack of policy support was a relevant consideration but would not be a reason for rejecting an application.

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

Members then went through the reasons for not supporting the application as stated in paragraph 11.1 of the Paper and considered that they were appropriate subject to refinements.

The reasons were :

- “(a) the current “Village Type Development” zone is considered appropriate for the application site. Development of the site for religious institution can be considered by the Board via a planning application made under section 16 of the Town Planning Ordinance without resorting to a rezoning application;
- (b) the applicant has failed to demonstrate that there will be no adverse traffic, environmental, drainage and sewerage impacts on the surrounding areas; and
- (c) the approval of the rezoning application to permit the religious institution as of right and to facilitate subsequent regularisation of the columbarium use within the religious institution through a section 16 application would set an undesirable precedent for other similar rezoning applications in the area for the development of columbarium use. The cumulative effect of approving such similar applications would lead to a general degradation of the traffic and environmental conditions of the area.”

Tuen Mun and Yuen Long District

[Mr Ernest C.M. Fung, Mr C.C. Lau, 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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/224 Proposed Comprehensive Residential Development with Wetland Nature Reserve, Filling of Pond and Excavation of Bund Resulting in No Net Loss of Wetland in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area” Zone, Lot 1457 RP in D.D. 123 and Adjoining Government Land, Fung Lok Wai, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/224F)

45. The Secretary reported that the application was submitted by a subsidiary of Cheung Kong (Holdings) Ltd. (CKH), Sun Hung Kai & Co. Ltd. (SHK) and Far East Consortium International Ltd.. ADI Ltd., Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with CKH, SHK, ADI Ltd., Environ and MVA.

Ms Janice W.M. Lai - having current business dealings with SHK and ADI Ltd.

46. The Committee noted that Mr Ivan Fu had tendered apologies for being unable to attend the meeting. As the interest of Ms Janice Lai was direct, the Committee agreed that she should leave the meeting temporarily during the discussion of and deliberation on this item.

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

Presentation and Question Sessions

47. The Chairman welcomed Dr Winnie Kwok, Senior Wetland and Fauna Conservation Officer of the Agriculture, Fisheries and Conservation Department (AFCD), and Ms Sunny W.S. Chow, Wetland and Fauna Conservation Officer of AFCD, to join the

meeting to provide professional advice for the application.

48. The Secretary reported that a letter dated 22.10.2013 from Green Sense, one of the public commenters on the application, was tabled at the meeting.

49. Mr Ernest C.M. Fung, STP/TMYL, said that two replacement pages for pages no. 5 and 33 of the Paper were tabled at the meeting. Mr Fung then presented the application and covered the following aspects as detailed in the Paper :

(a) background to the application :

- (i) the application was for a proposed comprehensive residential development with a wetland nature reserve, filling of pond and excavation of bund resulting in no-net-loss of wetland in the application site zoned "Other Specified Uses" annotated "Comprehensive Development and Wetland Enhancement Area" ("OU(CDWEA)"). The proposed development had a total gross floor area (GFA) of 148,000m² at a plot ratio of about 0.185 based on a development area of about 80 ha. The development comprised a residential development on 4 ha of land (5% of the site) and a wetland nature reserve on 76 ha of land (95% of the site);
- (ii) the site was the subject of three previous planning applications No. A/DPA/YL-LFS/2, 9 and 10 submitted by the same applicant for residential development with nature garden/reserve, which were all rejected by the Committee or the Town Planning Board (the Board) upon review on 9.10.1992, 26.11.1993 and 24.6.1994 respectively. As compared with the scheme of the last rejected application (No. A/DPA/YL-LFS/10), the major changes in the current application included a reduction in residential site area from 37 ha to 4 ha, an increase of the site area of wetland nature reserve from 43 ha to 76 ha, reduction of residential buildings from 197 blocks of flats and 151 houses to 19 blocks of flats, as well as increase in the building height from 2 to 3 storeys to 15 to 19 storeys above 1 basement of

carpark; and

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

the north/west/east, as well as some rural settlements to the south;

- (b) the proposed comprehensive residential development with wetland nature reserve, filling of pond and excavation of bund resulting in no net loss of wetland :

Residential Development

- (i) the residential component was on 4 ha of land (5% of the site) and had a GFA of not exceeding 147,985 m² comprising a total of 19 residential blocks in 6 groups with a maximum of 1,958 flats. A stepped building height profile descending from north-eastern and south-western ends towards the central portion of the site from 64.9 mPD to 52.9 mPD was proposed. A 100m wide visual corridor in the central part of the residential development site and associated with secondary view corridors from 24m to 30m wide between residential blocks would be provided. A residents' clubhouse and private open space would be provided. A total of 12,000 m² of greening area was also proposed. The landscape area would be at the ground level and greening would also be provided on sky gardens of the building blocks. Private car parking spaces, loading/unloading spaces, bicycle parking spaces and motorcycle parking spaces would be provided in the basement floor of the residential development;

Wetland Nature Reserve (WNR)

- (ii) the wetland proposal involved the conversion of approximately 76 ha fish ponds (95% of the site) into a WNR by reprofiling the ponds and to improve the overall attractiveness of the area for species dependent on wetland habitats. The WNR comprised an area of 61.6 ha retained and ecologically enhanced fish ponds and a created freshwater marsh habitat of about 14.4 ha. The aim of the WNR was to compensate permanent habitat loss and to mitigate

disturbance effects through the creation of the freshwater marsh habitat, which would serve as a buffer between the residential development and the enhanced fish ponds. The applicant proposed to consolidate the existing 31 fish ponds into 18 larger ponds, reprofile pond bunds to provide shallow sloping and irregular margins to increase feeding opportunities for water birds, and ongoing manage the enhanced fish ponds to achieve the no-net-loss in water body area or ecological function. The applicant also proposed to create a potential alternative egretty of approximately 2,000 m² to replace an abandoned egretty near Shing Uk Tsuen;

- (iii) an ancillary management office with a floor area of about 15 m² would be provided at the southwestern corner of the WNR. Limited public access to WNR would be allowed on a restricted basis so as to avoid disturbance to birds;

Filling of Land/Pond and Excavation of Land

- (iv) there would be excavation and filling of ponds/land for the formations of 4 ha of land for the residential development, 14.4 ha for the created freshwater marsh habitat and retention pond as well as the reprofiling works on 61.6 ha of retained pond in the WNR. The enlarged fishponds also involved filling of land/pond and excavation of land;

Technical Assessments

- (v) the proposed development was a designated project, which required submission under the Environmental Impact Assessment Ordinance (EIAO). In this regard, an Environmental Impact Assessment (EIA) report for the proposed development had been approved with conditions under the EIAO on 27.11.2009. According to the applicant, the proposed layout under the current planning application was further refined from the Preferred Option 1A in the approved

EIA report. All the technical assessments, including Environmental Assessment (EA), Ecological Impact Assessment (EcoIA), draft Habitat Creation and Management Plan (HCMP), Traffic Impact Assessment (TIA), Tree Survey and Landscape Master Plan (LMP), Environmental Monitoring and Audit (EM&A) Manual, Visual Impact Assessment (VIA), Sewerage Impact Assessment (SIA), Drainage Impact Assessment (DIA) and a consolidated paper on bent-winged firefly had been updated to tally with the current Master Layout Plan submitted to the Board for the consideration;

Long-term Funding and Management

- (vi) with regard to the long-term management of the WNR, the applicant indicated that the maintenance and management plan of the WNR in this planning application followed the proposal in the EIA report approved under the EIAO. The applicant would be fully responsible for the construction, maintenance and proper management of the WNR. To ensure the long-term viability of the conservation plans, the applicant would take sole responsibility of the management of the WNR until a designated successor was identified to the satisfaction of the Government. An independent and non-profit making foundation was proposed to be established to take over the long-term management together with the ownership of the WNR. The independent foundation would implement the HCMP submitted with the EIA report under the EIAO. In any event, as required by the Director of Environmental Protection (DEP) when the EIA report was approved under the EIAO in 2009, the applicant should submit the final funding proposal to the Advisory Council on Environment (ACE) for approval before the application for the Environmental Permit was made;

Access Road

- (vii) the site was currently accessible from Fuk Shun Street via an ingress/egress at the southern boundary of the site, which was also the proposed ingress/egress for the development. Separate internal driveway would be provided for access to the basement car park in the east and the visitor facilities for the WNR in the west. Fuk Shun Street was proposed to be widened to a width of 7.3m 2-lane carriageway with 2m wide footpath on both sides to cope with the proposed development. Noting that a portion of cycle track proposed under the Civil Engineering and Development Department's (CEDD) Cycle Tracks Connecting North West New Territories – Extension Project was planned to pass through Fuk Shun Street, the applicant also proposed a road widening scheme with cycle track reserve at Fuk Shun Street;

[Mr Lincoln L.H. Huang left the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows :
 - (i) DEP advised that the findings in the EA submitted by the applicant were considered in line with the EIA report approved in 2009. Nonetheless, the Government had promulgated the land and funding arrangement for PPP projects under the prevailing nature conservation policy vide the submission to the Board. Such arrangement was applicable to the proposed Fung Lok Wai project as it lay in one of the 12 Priority Sites. The latest proposed implementation arrangement, i.e. taking up the management of WNR until a designated successor was identified to the satisfaction of the Government and setting up an independent foundation to take over the long-term management and its ownership, did not comply with the land and funding arrangement under the prevailing conservation policy. As such, from a nature conservation policy

point of view, DEP had reservation on the Fung Lok Wai project as currently proposed. However, DEP had no objection to the project if the project proponent followed the land and funding arrangement as set out in the submission by the Government to the Board in July 2011. Should the Board decide to approve the application, DEP and the Director of Agriculture, Fisheries and Conservation (DAFC) recommended to impose an approval condition of requiring the submission and implementation of a funding arrangement proposal to ensure long-term maintenance and management of the proposed WNR to the satisfaction of the DEP and DAFC; and another approval condition prohibiting the execution of land exchange and/or lease modification for the proposed development prior to the compliance with the aforesaid condition;

(ii) DAFC had no objection to the application. His comments were summarised as follows :

(a) “No-net-loss in wetland” principle could be met. Through minimising the development site area and locating it at the least ecologically sensitive area of the site, the applicant’s proposal had minimised the development footprint and hence the need of pond filling. According to the EcoIA (Appendix Ip of the Paper), the proposed residential development footprint (4 ha or 5% of the project site) was primarily aquaculture ponds. Also, the development area was located at the least ecologically sensitive area furthest from the core of the WCA. The applicant also proposed that the habitat loss would be compensated through reconfiguration and reprofiling of 61.6 ha ponds and creation of 14.4 ha fresh water marshland, which would be enhanced to a WNR. The proposed interim and long-term management of the WNR as outlined in the draft HCMP was expected to fully mitigate the potential ecological impacts arising from the proposed development;

- (b) the EcoIA submitted under the current application was similar to that approved under the EIA in 2009. DAFC did not have any objection in principle to the development from the ecological perspective. Nevertheless, some updating and clarifications of the EcoIA were considered necessary, including supplementary impact assessment on the endemic bent-winged firefly, *Pteroptyx maipo*, discovered in 2009. The applicant subsequently submitted a revised EcoIA, including an additional paper on firefly to address comments on the potential impact on the endemic firefly through addition of precautionary screen planting. In this regard, the applicant had largely addressed DAFC's comments on the EcoIA. Subject to the submission of a revised EcoIA, DAFC considered that the EcoIA was acceptable. Should the application be approved, he would suggest imposing approval conditions requiring the applicant to submit and implement revised EcoIA, HCMP and EM&A Manual to the satisfaction of DAFC or of the Board;
- (c) the EcoIA identified the major habitat of the endemic firefly, which was adjacent to but outside the development site. Since there were concerns on the potential light impact on the firefly, the applicant included a Light Simulation Report in the EcoIA to assess the potential light impact on the firefly due to the proposed development. The Light Simulation Report suggested that the additional illuminance on the fireflies' habitat due to the proposed development was low and hence any light impact arising would be insignificant. Nevertheless, considering that the bent-winged firefly was a newly discovered species with little scientific research on its sensitivity to light impact, a precautionary approach should be taken to minimise the light impact as far as practicable. The applicant should implement the proposed precautionary mitigation measures, including the provision of 3m to 4m high

reed screen (*Phragmites vallatoria*) planting to minimise potential light impact due to the development to the fireflies' habitat;

- (d) DAFC did not have major comments on the HCMP in terms of the resource and manpower aspects;

- (iii) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection to the proposed development. The applicant should conduct a detailed and comprehensive DIA, with hydraulic model as supporting information. Should the application be approved, he would suggest imposing planning conditions requiring the applicant to submit a detailed and comprehensive DIA; implementation of the drainage mitigation measures and other necessary flood relief mitigation measures identified in the DIA; and no works, including but not limited to pond/land filling on site should be allowed until the DIA was accepted, otherwise the approval should cease to have effect and should on the same date be revoked without further notice;

- (iv) the Commissioner for Transport (C for T) had no objection to the application as the TIA submission was acceptable. He had no adverse comment on the proposed widening of Fuk Shun Street. The Commissioner of Police (C of P) welcomed the proposal to widen Fuk Shun Street but raised concern about the danger of the increased opposite traffic flow at other surrounding roads, in particularly along Deep Bay Road via local tracks to the site;

- (v) the Project Manager (New Territories North and West), Civil Engineering and Development Department (PM/NTN&W, CEDD) advised that some areas within the application site would be affected by a proposed cycle track by CEDD in Nam Sang Wai under PWP Item No. 7265RS 'Cycle Tracks connecting North West New Territories – Extension'. The applicant should form the reserve

area to accommodate the cycle track and footpath alignment. Part of the proposed cycle track and footpath alignment under the CEDD's project would encroach onto the proposed development. The applicant's development proposal should take into account the proposed cycle track and footpath and provide adequate set back to the development site boundary to facilitate CEDD's project of cycle track which would be handed over to Government departments for future management and maintenance upon commissioning;

- (vi) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) considered that the design features as shown in the applicant's submission were acceptable from an urban design point of view, which included the provision of a 100m wide major view corridor in the central portion of the proposed residential development; the provision of building gaps of 24m to 30m wide; accommodation of the car parking floor in the basement; a stepped building height profile ranging from 15 to 19 storeys with lower height in the central portion (52.9 mPD) and gradually stepping up to the east and the west (64.9 mPD) responding to Kai Shan to the south-west and a hill to the east; and multi-level greening at-grade, on terraces and in the form of sky garden. Besides, the applicant would provide sufficient landscape within the residential portion and landscape buffer at the interface of the WNR and the adjacent village, agricultural land and fish pond. Therefore, adverse impacts arising from the proposed residential development on the existing landscape and adjacent areas would be minimised. Approval condition on the submission and implementation of a revised Landscape Master Plan (LMP) including tree preservation proposal should be imposed. Given the above context, she had no adverse comments on the proposed development; and

- (vii) the other concerned government departments had no adverse comments/no objection to the application;

- (d) during the first three weeks of the statutory publication periods, a total of 745 public comments were received, with 663 objecting to the application and 82 supporting the application. Their major views were summarised as follows :

Objecting Comments

- (i) the 663 objecting comments included those from 2 members of Yuen Long District Council (YLDC), Ping Shan Rural Committee (PSRC), Village Representatives (VRs) of Ng Uk Tsuen, Shing Uk Tsuen and Tai Tseng Wai Tsuen, villagers of Ng Uk Tsuen and Tai Tseng Wai Tsuen, 10 green groups (viz. Conservancy Association, Greeners Action, Green Power, Green Sense, Hong Kong Bird Watching Society, Hong Kong Wild Bird Conservation Group, the Hong Kong Firefly Research Association, Hong Kong Entomological Society, Hong Kong Ecotourism Society, and Designing Hong Kong Limited) and private individuals. Their major grounds of objection were summarised as follows :

Conservation of Wetland

- (a) the proposed development with its funding arrangement and wetland management was not in line with the obligation under the Ramsar Convention, the TPB PG-No.12B, the intention of the WCA, the relevant Outline Zoning Plan (OZP) and the “OU(CDWEA)” zone;
- (b) the site was one of the few remaining wetlands in Hong Kong, the integrity of which should be protected and remained as a wetland buffer for the Mai Po Nature Reserve;
- (c) approval of the application would set an undesirable precedent for similar developments in the Deep Bay area;

Ecology

- (d) the site was located within the Deep Bay Ramsar site of high ecological value. The proposed development would create irreversible changes to the ecology, biodiversity, habitats of wildlife and the natural landscape;
- (e) firefly (*Pterotyx maipo*) was endemic to Hong Kong and was found around Deep Bay. Light intensity from the proposed development could affect the chance of reproduction of the fireflies;
- (f) the proposal of combining fish ponds into larger ones was misleading and failed to achieve the “no-net-loss” in wetland principle;

Environment and Other Technical Issues

- (g) it would create adverse impact on glare, noise, air, traffic, waste, hygiene, drainage and sewerage aspects during construction and operation stages;
- (h) the nearby road network was already saturated and the proposed development would worsen the traffic on Deep Bay Road;
- (i) there was insufficient information in the impact assessments to demonstrate that the proposed development would have insignificant impacts on the traffic, environment and the ecology in the area;
- (j) dust and exhausted gas emitted during the construction stage would affect the health of the villagers nearby;

- (k) there was a lack of information on the protective and mitigation measures to be provided in construction stage;
- (l) the site served as a public space for citizens. The wetland should not be privatised by developers and future residents in the proposed development;

Urban Design

- (m) the proposed development would create ‘wall-effect’ which would block air ventilation and impose visual impact. It would be incompatible with the surrounding context;
- (n) the “wall-effect” of proposed development would affect the flying path of the migratory birds;

Other Concerns

- (o) the proposed development would affect ‘fung shui’ of the village; and
- (p) there was a need to maintain the rural setting and living environment;

Supporting Comments

- (ii) 82 supporting comments were received, including VR of Tin Shui Wai, villagers of Ng Uk Tsuen and Tai Tseng Wai Tsuen, fish farmers in Fung Lok Wai and private individuals. The main supporting reasons were summarised as follows :
 - (a) the portion for the proposed development was relatively small and with mitigation measures, it would allow a coexistence of development and conservation, provide job opportunities and

satisfy housing demand;

- (b) it would restore a large area of currently abandoned wetland and fish ponds for long-term conservation and fish farming purpose, which would help maintain its ecological value, provide jobs opportunities and preserve the traditional fish farming culture; and
 - (c) the PPP approach would provide long-term resources and professional management for the long-term conservation of the Deep Bay area.
- (e) no local objection/view was received by the District Officer(Yuen Long); and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper, which was summarised as follows :
- (i) the current proposal was in line with the planning intention of the “OU(CDWEA)” zone on the OZP. The planning intention of the “OU(CDWEA)” zone was for conservation and enhancement of ecological value and functions of the existing fish ponds or wetland through consideration of application for development or redevelopment under the PPP approach. Low-density private residential or passive recreational development with proposed comprehensive residential development within this zone in exchange for committed long-term conservation and management of the remaining fish ponds or wetland within the development site may be permitted subject to no-net-loss in wetland principle and planning permission from the Board. Any new building should be located farthest away from Deep Bay;
 - (ii) the proposed development involved conversion of about 76 ha of

fish pond (95% of the site) into a WNR and the remainder of about 4 ha (5% of the site) into a residential development comprising 19 residential blocks at the landward fringe of the WCA and furthest away from Deep Bay. The proposed WNR was intended to conserve and enhance the ecological values and functions of the fish ponds by reprofiling pond bunds to form larger ponds, and the proposed WNR was compatible with the surrounding wetland. The proposed residential use at the landward side was not incompatible with the rural settlements at its immediate south. The proposed maximum GFA of 148,000 m² of the residential development conformed to the GFA restriction under the Notes of the “OU(CDWEA)” of the OZP. The applicant also committed to be responsible for the construction, maintenance and proper management of the WNR and to take sole responsibility of the management of the WNR until a designated successor was identified to the satisfaction of the Government;

Compliance with TPB-PG No. 12B

- (iii) all developments within the WCA should meet the requirements under the TPB-PG No. 12B. The applicant had demonstrated that the proposed scheme largely met the requirements stipulated in the TPB PG-No. 12B as set out below;

“No-net-loss” in Wetland Principle and Minimum Pond Filling

- (iv) DAFC noted that through minimising the development site area (4 ha or 5% of the site) and locating it at the least ecologically sensitive area away from the core of the WCA, the Applicant’s proposal had minimised the development footprint and hence the need of pond filling. According to the Study on the Ecological Value of Fish Ponds in Deep Bay Area (Fish Pond Study), limited private development by filling up a small portion of fish pond, say 5% to 10%, in exchange for a better management of the remaining ponds within a development site might be allowed. The total area of pond

filling for development (5%) was at the lower end and was in line with the minimum pond filling requirement. DAFC agreed that the habitats loss would be compensated through reconfiguration and reprofiling of 61.6 ha ponds and creation of 14.4 ha fresh water marshland, which would be enhanced to a WNR. The potential ecological impacts arising from the proposed residential development would be fully mitigated through the proposed interim and long-term management of the WNR as outlined in the draft HCMP and the ecological function could be maintained. Based on the findings and conclusions of the EcoIA, DAFC considered that the “no-net-loss in wetland” principle could be met;

‘Private-Public Partnership’ (PPP) Approach

- (v) under the New Nature Conservation Policy, a PPP approach might be adopted for limited low-density private development at the landward fringe of the WCA in exchange for committed long term conservation and management of the remaining ponds within the development site. The applicant’s maintenance and management plan of the WNR followed the proposal in the approved EIA report. The applicant also committed to hold sole responsibility of the management of the WNR until a designated successor, an independent and non-profit foundation, was identified to the satisfaction of the Government. The independent foundation with an amount of seed money would implement the HCMP submitted with the EIA report under the EIAO. DEP considered that the implementation arrangement for management of the WNR as proposed by the applicant did not comply with the land and funding arrangement under the prevailing conservation policy. As such, from a nature conservation policy point of view, he had reservation on the application. However, he would have no objection if the applicant followed the land and funding arrangement as set out in the submission (TPB Paper No. 8869 - Arrangements to Implement Conservation and Development Proposals Involving the Priority

Sites for Enhanced Conservation) by the Government to the Board in July 2011;

- (vi) according to the land and funding arrangement under the prevailing conservation policy, a project proponent was expected to inject an upfront seed money to the Environmental Conservation Fund (ECF) sufficient to generate recurrent cost for managing the conservation portion of the development on a long term basis, and that the project proponent would appoint a competent conservation agent to apply for funds from ECF to manage the conservation portion. While the applicant's land and funding proposal was not fully in compliance with that promulgated by the Government, it was considered that the issue could be resolved through imposing approval conditions as recommended by DEP and DAFC in paragraph 13.2 (o) and (p) of the Paper, should the Committee agree to approve the application;

Other Conservation Aspects

- (vii) regarding the new identified endemic bent-winged firefly, *Pteroptyx maipo*, the applicant identified that its major habitat was adjacent to but outside the development site. It is located at the intertidal channel and mangrove area adjacent to the site to the west. The applicant submitted a Light Simulation Report to demonstrate that the light impact on the fireflies would be insignificant and precautionary mitigation measures including the provision of 3m to 4m high reed screen planting to minimise potential light impact on the fireflies' habitat. Subject to further revision to the report in accordance with DAFC's comments, DAFC considered the EcoIA acceptable;

Urban Design

- (viii) CTP/UD&L considered the design features as shown in the applicant's submission were acceptable from an urban design point

of view. Compared with the scheme in the approved EIA report, the development layout was enhanced including the provision of a 100m wide major view corridor in the central portion and four secondary view corridors (24m to 30m wide) between building clusters; accommodation of the car parking floor in the basement so as to maximise ground level area for landscaping; stepped building height profile had been adopted with a lower height in the central portion (52.9 mPD) and gradually stepping up to the east and the west (64.9 mPD) responding to Kai Shan to the south-west and a hill to the east; and the adoption of multi-level greening at-grade, at terraces and on sky gardens. The VIA submitted had concluded that the potential visual impacts had been mitigated through sensitive design. To address her concern and to allow further improvement of the scheme, an approval condition on the submission of a revised VIA was recommended in paragraph 13.2 (h) of the Paper;

Landscape

- (ix) according to the LMP, a total of 9,600m² to 11,500m² of private open space including communal recreation spaces was provided for the residents. Within the residential portion, an approximately 12,000m² of greening areas (30% of the site area) were proposed. The applicant intended to provide sufficient landscape within the residential portion and landscape buffer at the interface of the WNR and the adjacent villages, agricultural land and fish ponds. Adverse impacts arising from the proposed residential development would be minimised. To address CTP/UD&L's concern and mitigate any potential landscape impacts, an approval condition on the submission and implementation of a revised LMP with tree preservation proposal was recommended in paragraph 13.2 (m) of the Paper;

Interface with CEDD's Cycle Track Project

Road Widening at Fuk Shun Street

- (x) C for T confirmed that the road widening proposal at Fuk Shun Street was necessary for the proposed development. The applicant submitted a plan to demonstrate that the existing Government land in Fuk Shun Street was able to accommodate the road widening proposal and the cycle track project of CEDD which passed through Fuk Shun Street. Given the final alignments of both the road widening scheme and cycle track project were subject to further detailed design and implementation issues to be resolved between the concerned Government departments and the applicant, appropriate approval conditions were recommended in paragraphs 13.2 (j) and (l) of the Paper;

Encroachment onto WNR Management Office Site

- (xi) regarding CEDD's cycle track proposal in Nam Sang Wai, a portion of the proposed cycle track and footpath alignment might encroach onto the development site at its southern landward side, which might affect the proposed WNR Management Office. As advised by PM/NT N&W of CEDD, the applicant's proposal should take into account the aforesaid proposal and provide adequate set back to the development site boundary to facilitate the cycle track project. As such, an appropriate approval condition was recommended in paragraph 13.2 (i) of the Paper;

Traffic Access to the Site

- (xii) with regard to C for P's concern about the danger of the increase in opposite traffic flow on the surrounding roads, in particular, along Deep Bay Road via local tracks to the site, the residential site and the management office of the WNR were only accessible from Fuk

Shun Street and the remaining part of the WNR would be open for limited public access on a restricted basis. C for T also had no adverse comments on the TIA submitted.

Public Views

(xiii) regarding the public comments objecting to the application on grounds of wetland conservation, ecological, environmental, urban design and other technical aspects, relevant responses had been made in the paragraphs above. Concerned departments had no adverse comment/no objection to the application.

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

Public- Private Partnership

50. In response to a Member's questions on the PPP of the Fung Lok Wai project, Mr K.F. Tang (Assistant Director (Environmental Assessment), Environmental Protection Department (EPD)) said that requirements of the PPP arrangement were applicable to the subject project as it lay in one of the 12 Priority Sites for Enhanced Conservation under the New Nature Conservation Policy announced by the Government in 2004. Dr Winnie Kwok (Senior Wetland and Fauna Conservation Officer, AFCD) said that WWF-Hong Kong had withdrawn from the project in partnership with the project proponent.

Proposed Funding Arrangements of the Wetland

51. In response to a Member's questions on the proposed funding arrangements of the subject project, Dr Winnie Kwok said that the annual management fund for the WNR was about HK\$3 million as estimated by the proponent several years ago. Mr K.F. Tang said that the funding arrangement for the WNR had yet to be agreed between the applicant, AFCD and EPD.

52. EPD had submitted its proposed funding arrangement for PPP projects under the prevailing Nature Conservation Policy to the Board in July 2011 (under TPB Paper No. 8869).

It was suggested that an upfront lump sum donation sufficient to generate recurrent incomes to support the pledged conservation programmes should be made to the Environment and Conservation Fund (ECF), which was established under the ECF Ordinance and was under the oversight of the Secretary for the Environment as the trustee. However, the applicant's proposal, i.e. establishing an independent foundation to take over the long-term management of the WNR, did not comply with the land and funding arrangement under the prevailing Nature Conservation Policy. Save for the funding arrangement for the wetland, EPD had no objection to the application noting that all technical concerns in relation to this project had already been resolved.

53. In response to a Member's question about the pros and cons of the funding arrangements proposed by the Government and the applicant, Mr K.F. Tang said that as compared with the private foundation proposed by the applicant, the funding under the Government proposal (i.e. ECF) was more centralised and systematic, which would be more reliable and better guarantee adequate resources for the long-term conservation of the wetland. The Member expressed concern on the adequacy of the annual management fund of around HK\$ 3 million for the wetland. In response, Mr K.F. Tang said that the amount was estimated a few years ago, and the amount of the annual management fund would be discussed in the submission by the applicant in future.

'No-Net-Loss' of Wetland Principle

54. In response to a Member's questions on the 'no-net-loss' of wetland principle, Ms Sunny Chow (Wetland and Fauna Conservation Officer, AFCD) said that the applicant's proposal was expected to achieve enhancement of the ecological function of the remaining wetlands in the application site. The applicant proposed to consolidate the current smaller commercially-operated fishponds into larger ponds, by reprofiling pond bunds to provide shallow sloping margins to increase feeding opportunities for water birds. Freshwater marsh would be created adjacent to the residential portion and the fish pond further north from the application site would be retained. Higher biodiversity was expected to be achieved through ongoing management of these habitats and more birds could be attracted to the proposed WNR. The potential loss of habitat and ecological function arising from the residential development at a footprint of 4 ha was anticipated to be compensated by the above measures.

Minimum Pond Filling

55. In response to a Member's question, Mr Ernest Fung said that according to the Fish Pond Study, limited private development by filling up a small portion of fish pond, say 5% to 10%, in exchange for a better management of the remaining ponds within a development site might be allowed. The total area of pond filling for the proposed residential development was at the lower end of 5% of the development site area and was in line with the minimum pond filling requirement.

Difference between Retained Fish Ponds and Created Freshwater Marsh under the Proposal

56. A Member asked about the differences between the proposed retained fish ponds and the proposed created freshwater marsh. In response, Dr Winnie Kwok said that they were two different wetland habitats and the animal species being attracted would be different. The management of the fishponds would involve draining the ponds down in sequence to provide both deep and shallow waters for different bird species to feed. There would also be stocking of fish in the fish ponds but not in the freshwater marsh. On the other hand, freshwater marsh would not be drained down and there would be some vegetated islands creating habitats for dragonflies, butterflies and amphibians. Ms Sunny Chow supplemented that fish ponds provided more open water habitat while marsh was usually more densely vegetated with wetland plants.

57. In response to the Member's question on whether the traditional fish farming practice (i.e. stocking of fish and pond draining) would be maintained in the proposed WNR, Dr Winnie Kwok said that according to the proposal, the traditional fish farming practice would be adopted in the WNR. In fact, the applicant was required to clearly list out the proposed pond management in the revised HCMP, which the applicant would be required to submit to EPD for approval before the application for Environmental Permit.

58. In response to the Member's question on whether the applicant was required to conduct detailed survey on birds/animals before commencement of the development, Ms Sunny Chow said that the applicant should be required to submit the revised EcoIA under the approval condition, should this application be approved.

Opening Arrangement of the Wetland Nature Reserve to the Public

59. In response to a Member's question, Dr Winnie Kwok said that the opening arrangement of the proposed WNR would be similar to that of Mai Po Nature Reserve currently run by WWF-Hong Kong. Public access would be restricted and visitors would be required to make reservation with the future manager for visiting the proposed WNR.

Other Aspects

60. In response to a Member's question, Mr Ernest Fung said that the site was involved in three previous applications which were rejected by the Committee or the Board upon review in 1992, 1993 and 1994 respectively. While the applicant had already submitted a DIA, DSD recommended to impose an approval condition requiring the applicant to conduct a detailed and comprehensive DIA with hydraulic model as supporting information.

61. In response to a Member's question, Dr Winnie Kwok said that the EIA report for the proposed development had been approved with conditions under the EIAO on 27.11.2009. The applicant had provided updated information in the EcoIA submitted for this application, including an updated bird survey and an additional study of the potential ecological impact from the proposed development on the newly discovered endemic bent-winged firefly. While the EcoIA submission had largely addressed DAFC's comments, an approval condition (b) was recommended to require the applicant to submit a revised EcoIA to the satisfaction of DAFC.

Deliberation Session

62. The Secretary drew Members' attention to Green Sense's letter tabled at the meeting. She said that Green Sense reiterated its objection to the application mainly on the grounds that WWF-Hong Kong had withdrawn from the partnership with the developer; there was no green group participating in the wetland management; the public could not comment on the recent further information which was exempted from publication requirement; the applicant's proposal of achieving 'no-net-loss of wetland' by reprofiling pond bunds to form larger ponds was nonsensical and should not form a precedent case; Fung Lok Wai and

bent-winged firefly, *Pteroptyx maipo* should be protected; and the nature should not be privatised.

Visual Compatibility with Surrounding Land Uses

63. Noting that the proposed residential buildings were ranging from 15 to 19 storeys above 1 basement of carpark, a Member had concern on the visual compatibility of the buildings with the surrounding land uses including the wetland. In response, the Chairman said that although lower building heights had been proposed in the last rejected scheme, the residential development footprint was much larger and wider area of pond filling was required, making that scheme unacceptable. The Secretary said that the maximum GFA allowed in the subject “OU(CDWEA)” zone had been agreed by the Board and incorporated in the OZP. The OZP had gone through the statutory plan-making process and been approved by the Chief Executive in Council. In order to minimise the residential development footprint and thus the area of pond filling required, as well as to provide a 100m-wide visual corridor for better visual permeability, the applicant proposed taller buildings as a trade off while maintaining the total GFA. Nevertheless, the proposed development had a hill backdrop and the proposed buildings ranging from 15 to 19 storeys above 1 basement of carpark were considered not incompatible with the surroundings. The Chairman added that there were high-rise developments in Tin Shui Wai New Town to the further south.

Funding Arrangement and Implementation

64. A Member raised objection to the application. The Member had reservation on the proposed conservation arrangement by the applicant. The applicant had not provided the details of the funding arrangement, including the amount of seed money committed by the applicant; when a successor for the management of the WNR could be identified; and whether the applicant would bear the responsibility of managing the WNR if no such successor could be identified. The Member doubted whether the developer could follow through and implement the committed measures. The Member further said that all required technical assessments should be submitted to the satisfaction of the relevant government departments before the Committee could approve the application.

65. In response, the Chairman said that the applicant had already submitted all the

necessary technical assessments which were acceptable to relevant government departments. Approval conditions had been recommended to require the applicant to further update or refine the technical assessments as required to the satisfaction of concerned departments.

66. The Secretary said that funding arrangement was the remaining issue that needed to be resolved. She drew Members' attention to a similar development at Wo Shang Wai which was approved by the Committee in 2011. For that project, the Committee had imposed an approval condition requiring the submission and implementation of a funding arrangement proposal to the satisfaction of DEP and DAFC, and another approval condition prohibiting the execution of land exchange and/or lease modification prior to the compliance with the above approval condition. The project commenced only after the funding arrangement proposal had been agreed by DAFC and DEP. As such approach was found feasible in the Wo Shang Wai case, the same approval conditions (i.e. approval conditions (o) and (p)) had been recommended for the current application.

67. Ms Anita Lam (Assistant Director/New Territories, Lands Department) did not agree that approval condition (p) should be imposed. She said that a planning permission granted by the Board was under public law while the Lands Department executed land exchange or lease modification in the capacity of private landlord under private law. Imposing the approval condition would prejudice the Government's capacity as a private landlord. As such, she considered it inappropriate to impose the approval condition. She further said that for the Wo Shang Wai case, the similar approval condition explicitly stated that it was as proposed by the applicant, which was different from the current case. The Secretary said that if the applicant felt aggrieved by the condition, he could seek review of it under section 17 of the Town Planning Ordinance.

68. In response, Mr K.F. Tang said that if approval condition (p) was not imposed, there would be no effective mechanism to ensure that the applicant would submit and implement the funding arrangement proposal to the satisfaction of DEP and DAFC. The Chairman said that in general execution of lease and approval of general building plans were mechanisms to ensure compliance with approval conditions attached to a planning permission. Since the funding arrangement and its implementation were the last issue of this project that needed to be resolved, a feasible mechanism was needed to ensure that the applicant would submit and implement the funding arrangement proposal. The Chairman asked the

Committee to consider if approval conditions (o) and (p) should be imposed as a package. Members agreed that both conditions should be imposed.

Monitoring of the Project

69. Members noted that among the 12 Priority Sites under the New Nature Conservation Policy, the subject development scheme was the first case that was considered acceptable to the concerned government departments. Since all the technical issues of the proposed development had been resolved, the Committee could consider approving the application and making it an example for the other Priority Sites. Moreover, the implementation of the project should be strictly monitored.

70. Mr K.F. Tang agreed that a stringent standard should be adopted to monitor the project. He said that the EIAO required the developer to submit EM&A Manual to EPD, and EPD would monitor the implementation of the mitigation measures recommended in the EIA. The Secretary said that the approval conditions (c) and (d) also required the applicant to submit and implement revised HCMP and EM&A Manual respectively to the satisfaction of DAFC, which had similar monitoring functions.

71. In response to some Members' questions on whether the Board should take the responsibility of project monitoring, the Secretary said that the monitoring work would normally be delegated to relevant government departments to ensure compliance with the approval conditions. The Chairman said that as the project was a pioneer case, the Committee could consider requesting PlanD and other relevant departments to report the progress of the project at key milestone stages to the Board. Members agreed that such briefings should be arranged at appropriate junctures.

Conclusion

72. The Chairman said that Members generally had no objection to the application as all technical issues had been resolved to the satisfaction of relevant departments and the proposed development was able to meet the TPB PG-No. 12B in terms of minimum pond filling and 'no-net-loss' in wetland. Members also agreed that approval conditions (o) and (p) should be imposed as a package to ensure that the funding arrangement of the project

would be implemented to the satisfaction of EPD and AFCD, despite LandsD's concern.

73. 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 22.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan to take into account conditions (b) to (e) and (h) to (n) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of a revised Ecological Impact Assessment and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (c) the submission and implementation of a revised Habitat Conservation and Management Plan to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the submission and implementation of a revised Environmental Monitoring and Audit Manual to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the submission of a revised Drainage Impact Assessment (DIA) to the satisfaction Director of Drainage Services or of the TPB;
- (f) in relation to (e) above, the implementation of the drainage mitigation measures and flood relief mitigation measures identified in the accepted DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) in relation to (e) above, no works, including but not limited to pond/land filling on site, should be allowed until the DIA is accepted by the Director

of Drainage Services or of the TPB;

- (h) the submission of a revised Visual Impact Assessment to the satisfaction of the Director of Planning or of the TPB;
- (i) the setting back of the site to facilitate the implementation of the Government cycle track project to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of a road widening scheme with cycle track reserve at Fuk Shun Street to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the design and provision of a refuse collection point to the satisfaction of the Director of Environmental Food and Hygiene or of the TPB;
- (m) the submission and implementation of a revised Landscape Master Plan including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (n) the submission of an implementation programme with phasing proposal to the satisfaction of the Director of Planning or of the TPB;
- (o) the submission and implementation of a funding arrangement proposal for ensuring the long-term maintenance and management of the proposed Wetland Nature Reserve to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB;
- (p) land exchange and/or lease modification for the proposed development, if

considered and approved by the Director of Lands, should not be executed prior to the compliance with condition (o) to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB; and

- (q) if the above planning condition (g) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the site involves Lot 1457 RP in D.D. 123 (the Lot) and a strip of adjoining Government land (GL) which now forms a section of an existing access road, namely Fuk Shun Street. The lease restricts that no building shall be erected on the Lot other than such as may in the opinion of the Lands Officer be necessary for the proper occupation of the Lot as agricultural land. The applicant will need to apply to the Lands Department (LandsD) for a land exchange involving only the development portion of the site. Land exchange application will only be considered upon receipt of formal application to her Office by the applicant but there is no guarantee that the application for land exchange (including the granting of additional GL) will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as may be imposed by LandsD. The southern part of the site would be affected by Civil Engineering and Development Department’s (CEDD) project limit ‘Cycle Tracks connecting NWNT with NENT – Extension (Nam Sang Wai Section)’; inclusion of a section of an existing access road, i.e. Fuk Shun Street, into the development portion of the site would require permanent closure under Roads (Works, Use and Compensation) Ordinance (Cap. 370); Gazettal for the permanent road closure may be required and the time taken for road gazette has to be taken into account in the development programme;

the unaffected portion of the existing public road within the site, consideration may be given to include it in the proposed land exchange as mentioned above in view of its obsolete use; and the applicant is required to clarify the maintenance responsibility of the wetland nature reserve management office as the provision of which may be taken into account in the land exchange;

- (b) to note the comments of the Director of Environmental Protection that the Government has promulgated the land and funding arrangement for Public-Private Partnership projects under the prevailing nature conservation policy. Such arrangement is applicable to the proposed Fung Lok Wai project as it lies in one of the 12 Priority Sites. The latest implementation arrangement proposed by the Fung Lok Wai Project Proponent does not comply with the land and funding arrangement under the prevailing conservation policy and due regard should be given to the land and funding arrangement as set out in the submission by the Government to the TPB in July 2011;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation when revising and updating the Ecological Impact Assessment, the draft Habitat Creation and Management Plan and Environmental Monitoring and Audit Manual;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant should conduct a detailed and comprehensive Drainage Impact Assessment (DIA), with hydraulic model as supporting information. The applicant is requested to refer to Appendix II of DSD's Advice Note No. 2 entitled "Application of the DIA Process to Private Sector Projects"; and no works, including but not limited to pond/land filling on site should be allowed until the DIA is accepted;
- (e) to note the comments of the Project Manager (New Territories North and West), CEDD that :
 - (i) there is a proposed cycle track by CEDD in Nam Sang Wai under

PWP Item No. 7265RS 'Cycle Tracks connecting North West New Territories – Extension' in adjacent to the proposed development and some areas within the site will be affected and resumption of the area will be required. The proposed Nam Sang Wai cycle track is scheduled to commence in early 2015 tentatively;

- (ii) the applicant shall form the reserve area to accommodate the cycle track and footpath alignment to the satisfaction of Transport Department (TD), his office and other relevant authorities. It shall be in a form ready for cycle track and footpath construction and free from any structure, tree or other obstructions; the proposed road alignment including the cycle track and footpath will encroach onto the existing structures at Lai Yin Garden and Vienna Villa and will be very close to many private lots. Gazettal of the proposed road alignment, including a reserve for the proposed cycle track and footpath, under the Roads (Works, Use and Compensation) Ordinance, shall be arranged by the applicant. His agreement to the revised cycle track alignment and footpaths is subject to authorisation of the gazettal scheme;
- (iii) the applicant shall effect the clearance of any structures, trees and obstructions, which will obstruct the construction of the proposed road, including the reserve for the cycle track and footpath; TD's agreement to the proposed widening, including the cycle track, footpaths and cautionary crossing, should be sought by the applicant; and
- (iv) part of CEDD's proposed cycle track and footpath alignment would encroach onto the proposed development. The developer should take into account of the proposed cycle track and footpath and provide adequate set back to the development site boundary to facilitate our project of cycle track which would be handed over to Government departments for future management and maintenance upon commissioning;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the location and design of the proposed vehicular access arrangement of the site should be commented and agreed by TD; adequate drainage measures should be provided at the vehicular access to prevent surface runoff flowing from the site onto nearby public roads/drains; and all works should be designed and constructed according to TD and HyD standards;

- (g) to note the comments of the Director of Food and Environmental Hygiene that the applicant should re-provision the refuse collection point (RCP) up to Food and Environmental Hygiene Department's (FEHD) satisfaction and bear all the associated costs, including demolition of the existing RCP; the re-provisioned RCP should be built in accordance with FEHD's prevailing standards, including but not limited to installation of up-to-date E&M facilities, provision of lay-by in the vicinity etc.; the applicant should handle all necessary procedures (including public consultation, rezoning application, land allocation) for the re-provisioned RCP; FEHD's prior consent on the re-provisioned RCP (including but not limited to location, size, design, works programme etc.) should be obtained; and daily operation of FEHD's refuse collection services should not be obstructed by the works;

- (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 that the Emergency Vehicular Access provision in the site shall comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the site does not abut on a specified street having a width of not less than 4.5m, the development intensity shall be determined under Building (Planning) Regulation (B(P)R) 19(3) during plan submission stage; in view of the size of the site, area of any internal

streets/roads required under section 16(1)(p) of the Buildings Ordinance (BO) should be deducted from the site area for the purpose of plot ratio and site coverage calculations under the BO; the proposed open space provision should not be less than the requirements as stipulated in the Second Schedule of B(P)R; the quality and sustainable built environment and the new gross floor area concession policy are applicable to the site; the applicant's attention is drawn to the requirements on the provision of emergency vehicular access to all buildings under B(P)R 41D; and detailed checking of plans will be carried out upon formal submission of building plans.”

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

[Ms Anita K.F. Lam, Ms Christina Lee, Ms Anita W.T. Ma and Mr K.C. Siu left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/872 Renewal of Planning Approval for “Temporary Open Storage of Construction Materials and Construction Machinery” for a Period of 3 Years in “Undetermined” Zone, Lots 1803 (Part), 1804 (Part), 1805 (Part), 1806 S.A (Part) and 1806 S.B (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/872)

Presentation and Question Sessions

75. 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 renewal of temporary open storage of construction materials and construction machinery under previous Application No. A/YL-HT/700 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 along the access road (Ping Ha Road), and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the operation at the site over the past 3 years. Nevertheless, to mitigate any potential environmental impacts, approval conditions on restrictions of operation hours had been recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the revised 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental impacts on the nearby sensitive receivers.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 27.11.2013 to 26.11.2016, 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 site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the drainage facilities implemented on the site should be maintained at all time during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities implemented 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 27.5.2014;
- (e) the submission of a tree preservation proposal 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 27.5.2014;
- (f) in relation to (e) above, the implementation of the tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2014;
- (g) the 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 27.5.2014;
- (h) in relation to (g) 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 27.8.2014;

- (i) if any of 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; and
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) 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.”

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

- “(a) resolve any land issues relating to the proposed development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without his prior approval. Any irregularity on-site, including the 2-storey container structures as site office, will be subject to lease enforcement action. The lot owners would need to apply to him from the lease point of view to regularise any irregularities on-site. He may, acting in the capacity as landlord, approve such application at his discretion and if such approval is granted, it will be subject to such terms and conditions including the payment of premium or fees as he may impose. He does not guarantee the right-of way of the vehicular access through other private land to the site from Ping Ha Road. Since there is a renewal pending, the applicant is advised that his office will continue to process the Short Term Waiver application upon the planning permission given;
- (c) follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ issued by the Director of Environmental Protection to minimise the possible environmental impacts on the nearby sensitive receivers;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the application site from Ping Ha Road should be commented and approved by Transport Department. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the application site and Ping Ha Road;
- (f) 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. 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 FSI to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to. To address this additional approval condition, please advise the applicant to submit a valid fire certificate (FS 251) to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his department, the applicant is required to provide jurisdictions to his department for consideration;
- (g) 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 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, they are unauthorised 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/open sheds as temporary building) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. In connection with above, 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; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed 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.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/873 Proposed Temporary Logistics Centre and Ancillary Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 94 (Part), 99 (Part), 100 (Part), 105(Part), 106 (Part), 107 (Part), 108 (Part), 110 (Part), 116 (Part) and 760 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/873)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistics centre and ancillary parking of vehicle 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 (residential dwellings) in the vicinity of the site (the closest being about 30m away) and along the access road (Ping Ha Road), and environmental nuisance was expected.
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint against the operation at the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibition of workshop activities had been recommended. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' to minimise the possible environmental impacts on the adjacent areas.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. and 8:00 a.m. 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 cutting, dismantling, cleansing, repairing, compaction, tyre repair, vehicle repair, container repair and workshop activity is allowed on the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no stacking of containers within 5m of the periphery of the site at any time during the planning approval period;

- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the implementation of the proposed 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 22.5.2014;
- (g) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2014;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.5.2014;
- (j) in relation to (i) 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 22.8.2014;
- (k) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (l) the provision of paving for the site, as proposed by the applicant, within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;

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

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

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) the 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 (DLO/YL) that the site is situated on Old Scheduled Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. No approval has been given for the specified structures as site office and toilet. The site is accessible to Ping Ha Road via a local track on private lots. His office provides no maintenance work to this track and does not guarantee right-of-way. No application for Short Term Waiver was received. The lot owner should apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on-site. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there 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/fees, as may be imposed by LandsD;

- (d) 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 minimise any potential environmental nuisance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas, and that the applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the comments of the Commissioner for Transport that the applicant shall check with the lands authority on the land status of the access road/path/track leading to the site from Ping Ha Road. The applicant shall clarify the management and maintenance responsibilities of the access road/path/track, and consult the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the application site for maneuvering of vehicles.
- (g) 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;
- (h) to note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the 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 are to be installed should be clearly marked on the layout plans; The location of where the proposed FSIs to be installed should be

clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, 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 Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans ;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Buildings Authority (BA) for the structures existing at the application site and 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, they are unauthorised 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/open sheds as temporary building) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. In connection with above, 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; and
- (j) to note the comments of the Project Manager (New Territories North and

West) that the application site falls within the study area of the proposed Hung Shui Kiu (HSK) New Development Area (NDA). The planning and engineering study on HSK NDA is being carried out by his consultants. In the meantime, all development proposals permitted under the existing Outline Zoning Plans, the prevailing land administration policy and BO. As such, he has no comment on the application with respect to the projects under the control to his office.”

Agenda Item 8

Section 12A Application

[Open Meeting]

Y/TM/12 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31 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/12A)

83. The Secretary said that on 6.11.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to prepare reports to address the departmental comments on pedestrian flow, traffic, drainage, environment and geotechnical aspects. This was the applicant’s second request for deferment.

84. 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. Since this was the second deferment, the Committee had allowed a total of four months of deferment including the previous one, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/448 Proposed Minor Relaxation of Plot Ratio Restriction for permitted Residential Development in “Residential (Group A)” Zone,
Site 1 : Government Land at junction of Tsun Wen Road and Leung Tak Street, Tuen Mun
Site 2 : Government Land at Leung Tak Street, Tuen Mun
(RNTPC Paper No. A/TM/448)

Presentation and Question Sessions

85. The Secretary reported that the application was submitted by the Lands Department. Ms Anita K.F. Lam as the Assistant Director of the Lands Department had declared an interest in this item. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with the Lands Department. The Committee noted that Ms Anita Lam and Ms Janice Lai had left the meeting.

86. 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 minor relaxation of plot ratio restriction for permitted residential development on the application sites (the Sites);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Officer (Tuen Mun) advised that the Incorporated Owners/Owners’ Committee of Goodrich Garden, Blossom Garden and Venice Gardens near the application site had formed a

group to strongly object to the application. The group had approached the Tuen Mun District Council (TMDC) member of the subject constituency as well as some Legislative Council (LegCo) members. A residents' meeting was held on 4.11.2013 at which a LegCo member (Hon. Tam Yiu Chung), a TMDC member and relevant government representatives attended. The residents attending showed strong objection to the application;

- (d) during the first three weeks of the statutory publication period, 52 public comments were received. Two public comments did not object to the application but raised concerns on visual impact and transport facilities. The other 50 public comments objecting to the application were received from a LegCo member (Hon Dr Kwok Ka Ki), a TMDC member, Right of People's Livelihood & Legal Association, Hong Kong, owners' committees of nearby residential developments and private individuals. The major grounds of these public comments and local views expressed in the residents' meeting included adverse impacts on air ventilation, visual quality, day lighting, and traffic; inadequate provision of community, recreation, supporting and parking facilities; applicability of Sustainable Building Design Guidelines requirements; adverse impacts and nuisances during construction stage; bringing in outsiders to the neighbourhood, public resources allocation; and breaking down of social harmony. Furthermore, the concerned TMDC member and representatives of Blossom Garden, Venice Gardens and Goodrich Garden had staged a petition at TMDC on 5.11.2013. Similar petition letters with signatures from residents were presented to concerned bureau/departments. A total of 324, 244 and 210 residents' signatures collected were from Blossom Garden, Venice Gardens and Goodrich Garden respectively, raising objection to the application.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as set out in paragraph 10 of the Paper. Although there were public comments objecting to the application, it should be noted that the application had taken account of a number of

factors, including the local character, height profile, site characteristics and local wind environment. The applicant had demonstrated that with the proposed increase in domestic PR, the building height (BH) of the proposed developments would not exceed the BH restriction under the Outline Zoning Plan, and there was no significant effect on the BH profile in the area. Sufficient building set back was proposed to enhance visual quality and air ventilation. The necessary requirements under the Buildings Ordinance and Sustainable Building Design Guidelines including building separation, building setback and greenery coverage would be applicable to the future developments. With respect to lighting aspect, the developer would need to demonstrate in the submission of building plans adequate provision of natural lighting to the new development and no adverse impact on the natural lighting provision to adjacent buildings. An approval condition on building setbacks was recommended to enhance visual quality and the air ventilation. As regards the concerns on construction noise and dust, they were controlled under the Noise Control Ordinance and Air Pollution Control (Construction Dust) Regulations. Besides, the proposed developments must also conform to any other relevant legislation, the lease conditions, and any other Government requirements, as might be applicable. The proposed developments would have no significant impacts on government, institution and community facilities, infrastructural provision and public open space. The Leisure and Cultural Services Department (LCSD) also advised that there was currently a surplus in the provision of public open space in the Tuen Mun District and the provision of major leisure and cultural facilities was in line with the Hong Kong Planning Standards and Guidelines. LCSD had plan to replace the existing Tai Hing Public Library with a district library to meet the new standard. LCSD would continue to follow up on the proposed plan with a view to providing better services to the residents.

87. In response to a Member's question, Mr C.C. Lau said that the proposed building setback of 13.5m along the western boundary of Site 2 was to echo with the building line of the podium of Goodrich Garden to the north. There was also a proposed building setback of 6m along the southern boundary of Site 2 together with the provision of a 6m wide public

footpath to the immediate south of the site.

88. In response to the same Member's question, Mr C.C. Lau pointed out that, as shown on the photomontages attached to the Paper, the estimated BH of the future developments on the Sites would increase if the domestic plot ratio restriction was relaxed, but the building height would still be within the current BH restriction of 120 mPD under the "R(A)" zoning.

Deliberation Session

89. The Secretary said that the photomontages in the Paper were only indicative schemes based on the proposed development parameters and the design of the future developments on the Sites could be different.

90. 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 22.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the provision of building setbacks with a minimum width of 13.5m along Ming Kum Road and a minimum width of 6m along the southern boundary of Site 2 (TMTL 509) to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

91. 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 fulfil 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 (BA). The future developer of the Sites should approach the Buildings Department 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 BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the Board may be required;

- (b) to note the comments of the Commissioner of Transport that the new developments will be required to provide sufficient car parking spaces for residents and visitors in accordance with Hong Kong Planning Standards and Guidelines;
- (c) to note the comments of the Director of Environmental Protection that LandsD as the applicant should liaise with the relevant commenters to address his/her concerns and to ensure that appropriate pollution control measures recommended in Environmental Protection Department's website to minimise environmental nuisances are implemented by the future developer;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as the existing trees along the site boundaries may be affected by the proposed development, existing trees of good quality should be preserved. To enhance the greenery of the Sites and their vicinity, landscape treatment, e.g. tree planting etc., should be provided along the site boundaries;
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings which is administered by the BA; and
- (f) to note the departments' technical requirements and incorporate them in the lease conditions of the Sites as appropriate.”

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

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/449 Shop and Services in “Industrial” Zone, Factory Unit A on Ground
Floor, Winfield Industrial Building, No. 3 Kin Kwan Street, Tuen Mun
(RNTPC Paper No. A/TM/449)

Presentation and Question Sessions

92. 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 shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the planning intention of industrial use for the premises. Since the previous approval (under Application No. A/TM/430) was revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance with approval conditions.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of proposal for fire service installations and water supplies for firefighting in the application premises within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2014;
- (b) in relation to (a) above, the implementation of the approved proposal for fire service installations and water supplies for firefighting in the application premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014; and
- (c) if any of the above approval conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) shorter compliance periods are proposed to monitor the progress of compliance with approval conditions should the Committee decide to approve the application. Moreover, the applicant is advised that 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 if the approval conditions are not complied with;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor 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 jeopardised;

- (c) to note the comments of the District Lands Officer/Tuen Mun that the proposed “Shop and Services” use of the subject premises does not conform with the existing lease conditions. If planning approval is given for the proposed “Shop and Services” use, the applicant will need to apply to the Lands Department (LandsD) for a temporary waiver for the above proposal. The proposal will only be considered upon LandsD receipt of formal application from the applicant. There is no guarantee that the application, if received by LandsD, will be approved and LandsD reserves his 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, among others, charging of waiver fee and administrative fee;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that adequate exits should be provided from each shop and comply with requirements under the Code of Practice for Fire Safety in Buildings 2011. Adequate toilets should be provided for the shops in accordance with the requirements stated under Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Access for the disabled and accessible toilet should be provided and complied with Design Manual: Barrier Free Access 2008. Formal submission under the Buildings Ordinance for approval is required for any proposed new non-exempted building works. Detailed comments will be made at the formal building plan submission stage; and
- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available and detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The submission of fire service installations proposal is considered acceptable but the implementation of

such is considered unacceptable because the layout delineated in the FSI/314A does not tally with the proposed layout plan. Regarding matters related to fire resisting construction of the premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority.

Agenda Item 11

Section 16 Application

[Open Meeting]

A/TM-LTY Y/267 Temporary Shop and Services (Retail Shop and Ancillary Storage Use) for a Period of 3 Years in “Other Specified Uses” annotated “Petrol Filling Station” Zone and Area shown as ‘Road’, No. 121 Castle Peak Road, Lot 2792 RP (Part) in D.D.130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/267)

96. The Secretary reported that on 8.11.2013, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow time for preparation of submission of further information to address the comments of the Lands Department and the Highways Department. This was the applicant’s first request for deferment.

97. 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 12

Section 16 Application

[Open Meeting]

A/YL-MP/224 Eating Place (Restaurant) and Shop and Services (Ancillary
Photographic Studio and Make-up Room for Wedding Ceremony in
“Open Storage” Zone, Lots 2562 S.B. RP and 2564 RP in D.D. 104 and
Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/224)

98. The Secretary reported that on 13.11.2013, the applicant requested the Board to defer making a decision on the application for one month so as to allow more time for making clarifications on the drainage plan, the gross floor area and the car parking layout of the proposed development. This was the applicant’s first request for deferment.

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 two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/607 Proposed Temporary Public Vehicle Park (Excluding Container
Vehicles) for a Period of 3 Years in “Residential (Group C)” Zone,
Lots 341, 342, 344 (Part), 348 and 350 in D.D. 109,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/607)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park (excluding container vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had reservation on the application as the traffic to be generated from the site might have an adverse impact on the nearby area and unnamed local access road. The traffic impact assessment and the related further information submitted by the applicant were too simple and not acceptable. The Director of Environmental Protection (DEP) did not support the application since there were dwellings immediately next to the site and environmental nuisances were expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view. Based on aerial photo and site photos taken on 18.9.2012 and 11.10.2013 respectively, significant vegetation clearance was observed. Considering the proximity of the residential use to the north and south of the site, an effective continuous tree and shrub buffer should be provided along the application boundary to minimise potential adverse impacts. The applicant failed to demonstrate that the loss of vegetation and adverse landscape impact would be adequately mitigated in the proposed development.
- (d) during the first three weeks of the statutory publication period, 71 public comments were received. Of these, 69 comments were from the Incorporated Owners of Noble Park, Designing Hong Kong Limited and the public objecting to/raising concerns on the application on the grounds

that the development was not in line with the planning intention; the development would create adverse security, fire risk, visual, landscape and environmental impacts; no environmental assessment was undertaken; the site was the subject of previous unauthorised filling of pond and used as open storage and petrol filling facilities, and was converted for car parking use about a year ago; the proposed development which could accommodate parking of about 200 private cars creating car trips of about 400 daily would also cause adverse traffic impacts and road safety problem; there was concern on flooding hazards in the area once the development commenced; there was doubt on whether drains in the area would be decked or improved; and control on the public vehicle park should be set (e.g. well-designed perimeter boundary with paving and gate house, no chain-link fence and no advertisement on site). The remaining 2 commenters, including a member of the public and the Owners Committee of Kam's Terrace, supported the application but requested that Kam Sheung Road should be widened by the Government to facilitate villagers' usage. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The proposed temporary public vehicle park was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone and no strong justification had been given for a departure from the planning intention even on a temporary basis. The proposed development was not compatible with the surrounding areas which were predominated by residential developments. The applicant failed to demonstrate that the applied use would not generate adverse environmental, landscape and traffic impacts on the surrounding areas. DEP did not support the application as there were sensitive receivers next to the site and environmental nuisance was expected. CTP/UD&L of PlanD had reservation on the application as there was significant vegetation clearance on site, and the landscape report submitted by the applicant could not demonstrate that the loss of vegetation and adverse landscape impact would

be adequately mitigated. C for T had reservation on the application as the development might have adverse traffic impact on the nearby area and the local access road, the statement on traffic aspect submitted by the applicant was not acceptable and a Traffic Impact Assessment for the proposed development was required. Compared with the last previous application rejected by the Committee in 2001, the current application involved a substantially larger area and more parking spaces. Also, there was no similar application approved within the “R(C)” zones in the area. Approval of the application would set an undesirable precedent for similar uses to proliferate in this area. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area. Furthermore, there were public comments opposing the application mainly on traffic, environmental, landscape and visual grounds.

101. Members had no question on the application.

Deliberation Session

102. 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 is not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone which is intended primarily for low-rise, low-density residential developments. There is no strong justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with the surrounding land uses which are predominated by residential developments;
- (c) the applicant fails to demonstrate that the proposed development would not cause adverse environmental, landscape and traffic impacts on the

surrounding area; and

- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to penetrate into the “R(C)” zone. The cumulative effect of approving such similar application 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/YL-KTS/616 Temporary Open Storage of New Coaches and New Vehicle Parts with Ancillary Workshop for a Period of 1 Year in “Other Specified Uses” annotated “Rural Use” Zone, Lots 560 (Part), 563 (Part), 564 (Part), 565 (Part), 618 S.C (Part) and 618 RP (Part) in D.D.106, Kam Sheung Road, Pat Heung, Yuen Long

(RNTPC Paper No. A/YL-KTS/616)

Presentation and Question Sessions

103. 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 highlighting that to the immediate northeast of the site was a proposed development of 10 houses (under Application No. A/YL-KTS/499) approved with conditions by the Committee on 17.6.2011;
- (b) the temporary open storage of new coaches and new vehicle parts with ancillary workshop for a period of 1 year;
- (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.

existing residential structures located to the immediate west and in the vicinity of the site, and environmental nuisance was expected. The District Lands Officer/Yuen Long (DLO/YL) advised that the application for the land exchange for the aforesaid proposed development of 10 houses to the immediate northwest of the site had already been approved.

- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Councillor objecting to the application for reason that the applicant failed to demonstrate genuine effort in complying with the planning conditions which led to revocation of previous approvals. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone was for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses creating noise nuisance, such as the subject open storage use and workshop related use, should be gradually phased out. The last application (No. A/YL-KTS/569) at the site was approved for one year by the Board upon review on sympathetic consideration that the business was unique and one year would be given for relocation of the site elsewhere. However, the planning permission was revoked on 16.2.2013 due to non-compliance with approval condition on submission of fire service installations (FSIs) proposal. The current application was to continue the open storage uses on site for another year. The open storage uses on site was no longer conforming with the surrounding land uses, as the proposed development of 10 houses to the immediate northeast of the site, approved under Application No. A/YL-KTS/499, was due to be developed. According to DLO/YL, the application for the land

exchange for the proposed residential development had already been approved. Furthermore, an approval condition was imposed under the planning permission of that residential development, requiring that the construction of the proposed houses should not be commenced prior to cessation of the industrial-related uses to the immediate south of the site including the subject site. The approval of Application No. A/YL-KTS/499 could be considered as a material change in planning circumstances. In this regard, the continuation of this temporary open storage use at the site would jeopardise the implementation of the residential development for materialisation of the “OU(RU)” zone for phasing out undesirable industrial-related uses for preservation of the character of the rural area as well as contradict with existing and future residential land uses in the vicinity;

- (ii) the applied use was considered not compatible with the surrounding land uses which were predominated by residential uses and agricultural land. Most of the open storage/storage and warehouse uses in the area were suspected unauthorised development subject to enforcement actions taken by the Planning Authority;
- (iii) all the four previous planning permissions at the site were revoked due to non-compliance with the approval conditions on fire safety aspect. Noting the applicant’s repeated failures to comply with the approval conditions on FSI works, violation on his undertaking to relocate within one year, and adverse departmental comments and local objection, sympathetic consideration was not warranted to the current application;
- (iv) DEP did not support the application as there were sensitive receivers to the immediate west and in the vicinity of the site, and environmental nuisance was expected; and
- (v) one public comment opposing the application was received.

104. Members had no question on the application.

Deliberation Session

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

- “(a) the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone is for the preservation of the character of the rural area. Non-conforming and undesirable industrial-related uses such as the open storage use at the site within the zone should be gradually phased out to help achieve the implementation of the planning intention to upgrade the environmental quality of the area. There has been material change in planning circumstances upon approval of a proposed residential development to the immediate northeast of the site which would act as a catalyst to realise the planning intention. The continuation of the temporary open storage use at the site would not be compatible with permanent uses and hence jeopardise the materialisation of the planning intention of the “OU(RU)” zone;
- (b) the development does not comply with the Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that the applicant fails to demonstrate that genuine efforts have been made in compliance with the approval conditions on fire safety aspect and the development would not generate adverse environmental impacts on the surrounding areas and that there are adverse departmental comment and local objection against the application; and
- (c) the surrounding land uses in the vicinity are mainly existing or planned residential structures/dwellings/development, and agricultural land. The development is not compatible with the existing and future residential land uses in the vicinity.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/617 Temporary Storage and Parking of Private Vehicles for a Period of 3
Years in “Agriculture” Zone, Lots 425 S.A (Part) and 429 RP (Part) in
D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/617)

Presentation and Question Sessions

106. 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 storage and parking of private vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received for reasons that the proposed structure including an unauthorised fence wall would create wall effect blocking air ventilation, sunlight penetration, radio transmission reception and sightlines. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

107. Members had no question on the application.

Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no medium and heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of the record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (e) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (f) in relation to (e) above, the implementation of 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 22.8.2014;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 22.5.2014;

- (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 22.8.2014;
- (i) if any of 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;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) 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
- (k) 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.”

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

- “(a) resolve any land issues relating to the development with the concerned owners of the site;
- (b) the 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 that the private land involved comprises Old Scheduled Agricultural Lots held under Block Government Lease which no structure is allowed to be erected without prior approval of Lands Department (LandsD). No approval has been given for the specified single-storey structures as shelter and storage. Modification of Tenancy (MOT) No. M18215 was issued for erection of structures over lot No. 425sA in D.D. 103 for agricultural purpose. Change of use of the lot will cause a breach of the terms of the MOT

concerned. The site is accessible from a road branching off from Kam Tin Road and via a short stretch of Government land (GL). LandsD does not provide maintenance works on this GL nor guarantee right-of-way. Application for Short Term Waiver and Short Term Tenancy from part of the lot owners of the site and occupier has been received. Should the application be approved, the lot owner will still need to apply to his office to regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it will be subject to such terms and conditions, including among others 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 minimise 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 local access roads/footpaths/lots which are not managed by Transport Department. The land status of these roads/footpaths/lots should be clarified with LandsD accordingly. Moreover, the management and maintenance responsibilities of the 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 note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the site is located adjacent to existing Waterworks Reserves where several critical water mains are laid to and from the nearby Au Tau Water Treatment Works. No structure shall be

erected over this Waterworks Reserve (Plan A-2 of the Paper) and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. No trees/shrubs shall be planted within the waterworks reserve. No change of the existing conditions shall be undertaken without prior agreement of WSD;

- (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 FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, he 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;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application. Before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are unauthorised building works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site 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 proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Part VII; and

- (j) 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 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 prior to establishing any structure within the site. 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/619 Renewal of Planning Approval for Temporary “Shop and Services (Real Estate Agency)” for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lot 1488 RP in D.D. 106, Yuen Kong Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/619)

Presentation and Question Sessions

110. 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 temporary shop and services (real estate agency) under previous Application No. A/YL-KTS/513 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 11.12.2013 to 10.12.2016, 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 site during the planning approval period;
- (b) no reversing of vehicles into or out from the application site is allowed at any time during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of the record of the existing drainage facilities on the 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 11.6.2014;
- (e) the submission of tree preservation proposal 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 11.6.2014;
- (f) in relation to (e) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 11.9.2014;
- (g) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.6.2014;

- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.9.2014;
- (i) if any of 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;
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) 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
- (k) 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the site is situated on Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No approval has been given for the specified structures as container-converted office, storeroom and carport. The site is accessible to Kam Sheung Road via a short stretch of Government land for which Lands Department (LandsD) provides no maintenance works nor guarantees right-of-way. The lot owner will need to apply to LandsD to permit any 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. 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;

- (b) 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;
- (c) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of local access road which is not managed by Transport Department. The land status of the road leading to the site should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the same road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the site and Kam Sheung Road;
- (e) 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; and 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. However, 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; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings

Ordinance (BO) and should not be designated for any approved use under the subject application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are unauthorised building works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site 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.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/675 Temporary Dog Training Ground and Dog Swimming and Recreational Centre for a Period of 3 Years in “Residential (Group D)” Zone, Lots 117 (Part), 119 (Part), 121 (Part), 122, 123 (Part), 124 (Part), 125 (Part), 127 (Part) and 128 (Part) in D.D. 108 and Adjoining Government Land, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/675)

Presentation and Question Sessions

114. 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 dog training ground and dog swimming and recreational centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (c) in relation to (b) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 22.8.2014;

- (d) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2014;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014;
- (g) in relation to (f) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2014;
- (h) 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;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the

applied use at the site;

- (b) to resolve any land issue relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval from Lands Department (LandsD). No approval is given to the specified single-storey structures as shelter, changing room, washroom, store room, grooming room, dog shower facilities, meter room, office and pump room. A proposed Short Term Tenancy (STT) on the Government land (GL) within the site for the purpose of the applied use is under processing. No permission has been given for the occupation of the GL within the site. The act of occupation of GL without Government's prior approval should not be encouraged. It is noted that two large swimming pools straddling on private land and GL and one small swimming pool erected on GL. However, the pools have not been included as part of the development schedule. Pursuant to land administrative procedure, the pools should be included in built-over area to be stipulated under our basic terms offers of STT/Short Term Waiver to be granted. The site is accessible to Fan Kam Road via an informal track of GL and private land. His office does not provide maintenance works for this access nor guarantees right-of-way. The lot owner concerned will need to apply to LandsD 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 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 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 via a section of a local access road which is not managed by Transport Department. The management and maintenance responsibility of the access road leading to the site from Fan Kam Road should also be clarified with the relevant parties and/or authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the site and Fan Kam 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 for implementation of mitigation measures to minimise any potential environmental nuisances arising from the development;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the gradients and the dimensions of the proposed u-channels and drains should be shown on the drainage plan. The flow direction of the u-channels and drains should be shown on the drainage plan. The invert levels of the proposed catchpits should be shown on the drainage plan for his reference. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (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. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed

FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he is required to provide justification to his department for consideration. 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;

- (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 the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works including office, changing rooms, toilets, store rooms etc. as temporary buildings are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site 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 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 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 measures 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 electricity supply lines.”

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-PH/679 Proposed Houses in “Residential (Group D)” Zone, Lots 64 S.A, 73
S.B ss.4 and 76 S.B RP in D.D. 108, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/679)

118. The Secretary reported that on 13.11.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time for the applicant to respond to departmental comments on the application. This was the applicant’s first request for deferment.

119. 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 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/197 Renewal of Planning Approval for Temporary “Camping Ground for Meditation Use” for a Period of 1 Year in “Conservation Area” Zone, Lots 1556 (Part) and 1558 in D.D. 114, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/197)

Presentation and Question Sessions

120. Ms Bonita K.K. Ho, STP/TMYL, said that a letter submitted by the applicant on 18.11.2013 was tabled at the meeting. Ms Ho presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of temporary “Camping Ground for Meditation Use” under previous Application No. A/YL-SK/176 for a period of 1 year. Recent site visits conducted by the Planning Department (PlanD) and the Agriculture, Fisheries and Conservation Department revealed that the applicant had failed to comply with the approval conditions of the previous application No. A/YL-SK/176 relating to no placement/building of new fixture or structure, no tree felling and no open burning within the site. A warning letter had been issued by PlanD to the applicant to rectify the situation. In response, on 18.11.2013 the applicant submitted the aforesaid letter tabled at the meeting which stated that the rain shelters/sheds and bamboo shelter erected within the site had been removed; trees were felled due to natural events; the felled trees were cleared and cut up to avoid any potential risk to the event participants; and the applicant undertook no open burning at the site. According to the subsequent site visit by PlanD, although the bamboo shelter had been removed, there were still some tent shelters tied to the tree trunks, felled trees and burnt ashes found at the site.

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) noticed in a recent site visit that some trees were topped for erecting tents and some trees had been felled within the site. The site was zoned “Conservation Area” (“CA”) to protect and retain the existing ecological features of the area for conservation purpose, among other purposes. Tree topping and tree felling would inevitably affect the ecological features of the site which is well wooded, and thus, should be avoided from nature conservation viewpoint. Furthermore, there were some burnt ashes and one bamboo shelter not mentioned in the application. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) noted DAFC’s aforesaid observation of recent tree topping and tree felling at the site. The approval of the application might set an undesirable precedent and encourage such activities within the “CA” zone. Also, based on the site photo taken on 4.10.2013, the condition of the site had been altered compared to that under the previously approved application. It was observed that tents/rain shelters had been set up with strings tied to tree trunks. As such, further interference on the landscape character of the area and existing landscape resources due to the applied use was very likely. In view of the above, she has some reservations on the application from the landscape planning point of view;
- (d) during the first three weeks of the statutory publication period, 3 public comments were received from the Chairman of Pat Heung Rural Committee, the Village Representative of Lui Kung Tin Tsuen and a Yuen Long District Council member respectively raising objection to the application on grounds of traffic congestion particularly along the catchwater access road caused by the traffic generated from the development; safety/security concerns; adverse psychological impact on local villagers; and adverse impact on the fung shui of the Pat Heung Temple and the Pat Heung area. The commenters urge the Board to take into consideration the local comments/views and to reject the application. The District Officer (Yuen Long) received a letter from a Yuen Long District Council member in relation to the application, which was the same

as one of the public comment mentioned above; and

- (e) the PlanD's views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
 - (i) the current renewal application was for continuing the use of the site for camping ground for meditation use for a further period of 1 year. Notwithstanding the previous three approvals since 2010, the subject application was not in line with the Town Planning Board Guidelines No. 34B on “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development” in that the applicant had failed to comply with the approval conditions (a) to (c) under the previous approval which restricted the placement/building of new fixture or structure, tree felling, and open burning within the site;
 - (ii) the recent site visit conducted by PlanD revealed that there were alterations to the natural landscape of the site as compared with the site condition at the granting of the previous approval (No. A/YL-SK/176) in 2012. Apart from the placement of the proposed fixtures under the previous planning approval, new structures/fixtures, including a bamboo structure and rain shelters/sheds tied to tree trunks and supported by bamboo/logs, were set up within the site which had resulted in noticeable disturbances to the current natural site condition. DAFC's recent site visit also revealed that some trees were topped for erecting tents, while some had been felled and there were some burnt ashes found within the site. DAFC considered that tree topping and tree felling would inevitably affect the ecological features of the site which was well-wooded, and thus, should be avoided from nature conservation viewpoint. From the landscape planning point of view, CTP/UD&L, PlanD also raised similar concerns and had reservation on the application as further interference on the landscape character of the area and existing landscape resources due to the applied use

was envisaged. The approval of the application might set an undesirable precedent and encourage such activities within the “CA” zone;

- (iii) a warning letter on non-compliance with approval conditions (a) to (c) of the previous application No. A/YL-SK/176 was issued by PlanD to the applicant on 6.11.2013 requesting rectification of the situation. It was considered that the continual occupation of the site for the applied use would result in further deterioration of the landscape quality and natural character of the site. In this regard, the current renewal application did not warrant sympathetic consideration; and
- (iv) 3 public comments were received during the statutory publication period all objecting to the application on grounds of traffic, psychological and fung shui impacts.

121. Members had no question on the application.

Deliberation Session

122. 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 renewal does not meet the assessment criteria of the Town Planning Board Guidelines No. 34B on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that the approval conditions imposed under the previous approval were not complied with by the applicant;
- (b) the continuation of the development on site would generate adverse ecological and landscape impacts within the site; and

- (c) approval of the renewal application would set an undesirable precedent for similar applications within the “Conservation Area” zone and the cumulative effect of which would result in general degradation of the environment and landscape quality of the area.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/650 Renewal of Planning Approval for Temporary “Open Storage of Construction Materials and Recycled Materials (including Metal, Paper and Plastic Goods)” for a Period of 3 Years in “Undetermined” Zone, Lot 1662 RP (Part) in D.D. 121, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/650)

Presentation and Question Sessions

123. 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 temporary “open storage of construction materials and recycled materials (including metal, paper and plastic goods)” under previous Application No. A/YL-TYST/501 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. In accordance with the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the southwest and in the vicinity of the site, and environmental nuisance was expected.

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application, there had not been any environmental complaint in the past 3 years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting workshop activities and storage of electronic wastes within the site, and restricting the use of heavy good vehicles (including container trailer/tractor) were recommended. Besides, the applicant would be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites".

124. Members had no question on the application.

Deliberation Session

125. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 11.12.2013 to 10.12.2016, 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 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;

- (d) no dismantling, repairing, cleaning 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;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to enter/exit the application site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the application site implemented under Application No. A/YL-TYST/364 shall be maintained at all times during the planning approval period;
- (h) the 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 10.6.2014;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.6.2014;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 10.9.2014;

- (k) the 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 21.1.2014;
- (l) the 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 10.6.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.9.2014;
- (n) 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;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) 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
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

126. 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 no approval has been given to allow the specific structures including open shed for storage, toilet and site office uses on the application site. Should the application be approved, the lot owners concerned will still need to apply to his office to permit any 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. 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 site is accessible through an informal track on Government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track 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 site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient space should also be provided within the 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 Shan Ha 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 minimise any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department (PlanD) that the number and locations of the existing trees species as shown on the submitted 'Proposed Landscape and Tree Preservation Plan' (Drawing A-2 of the Paper) do not tally with the implemented landscape planting for the previous application as recorded on 9.2.2011;

- (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 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, 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;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including site office, open sheds and toilet as temporary buildings) 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 unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning

approval should not be construed as an acceptance of any existing works or UBW on the application site under the 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 plans/overhead line alignment drawings to find out whether there is any underground cable and/or overhead electricity line within or in the vicinity of the application site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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.”

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

Sai Kung and Islands District

Agenda Item 21

Section 16 Application

[Open Meeting]

A/I-CC/18 Proposed Eating Place and Shop and Services, and Minor Relaxation of Plot Ratio Restriction from 0.4 to 0.44 for Proposed Eating Place and Shop and Services in “Residential (Group C) 5” and “Village Type Development” Zones, Lots 196 and 197 S.A ss.1 in D.D. Cheung Chau, Cheung Chau
(RNTPC Paper No. A/I-CC/18)

127. The Secretary reported that LWK Conservation Ltd. and Lanbase Surveyors Ltd. were the consultants of the applicant. Mr Ivan Fu, who was the director and shareholder of LWK Conservation Ltd., had declared an interest in this item. Ms Anita K.F. Lam, who had current business dealings with Lanbase Surveyors Ltd., had also declared an interest in this item. The Committee noted that Mr. Fu had tendered apologies for being unable to attend the meeting. As the case was for deferral, the Committee agreed that Ms Lam should be allowed to stay in the meeting.

128. The Secretary reported that on 15.11.2013, the applicant submitted further information to provide responses to the comments from the Planning Department and the Buildings Department. The submission mainly provided justifications for the proposed relaxation of plot ratio and to delete the ‘shop and services’ use at the ticket lobby at G/F, which would effectively convert the area to public appreciation purpose. As more time was required to consult relevant Government bureau/departments including the Commissioner for Heritage’s Office and the Antiquities and Monuments Office of the Leisure and Cultural Services Department, the Planning Department requested the application be deferred for one month pending relevant bureau/departments’ comments on the further information submitted by the applicant.

129. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application

should be submitted for its consideration within one month upon receipt of further comments from relevant bureau/departments on the further information.

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/20 Proposed House in “Agriculture” and “Green Belt” Zones, No. 15H,
 Tai Wan To, Yung Shue Wan, Lamma Island
 (RNTPC Paper No. A/I-LI/20)

Presentation and Question Sessions

130. Mr T.C. Cheng, STP/SKIs, said that six replacement pages (pages nos. 4, 7 and 8 as well as three pages in Appendix II) of the Paper were sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) did not support the application as the built-over area of the proposed domestic structure had exceeded the dimensions of the domestic structure permitted (i.e.4.88m(L) x 7.62m(W) x 5.18m(H)) under the Government Land Licence (GLL);
- (d) during the first three weeks of the statutory publication period, three public comments were received from the Chairman of Lamma Island (North)

Rural Committee (RC), village representatives of Tai Wan Old and Tai Wan New villages and Designing Hong Kong Limited. All of the comments objected to the application on the grounds that development of houses was not permitted on the Site zoned “Green Belt” (“GB”) and “Agriculture” (“AGR”), the proposed development would have adverse impacts on the environmental hygiene and natural environment of the area, and the sewage discharge would affect the natural environment and agricultural activities nearby. Whilst Designing Hong Kong Limited was also concerned about the loss of farmland and setting of undesirable precedent should the application be approved, the RC and village representatives were concerned about the potential property speculation by redeveloping and selling squatter houses without prior approval from the Government. No local objection/view was received by the District Officer (Islands); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper. The Site was partly zoned “GB” and currently subject to a GLL. The previous domestic structure at the Site had collapsed and the application was to develop a new 1-storey house. There was a general presumption against development within “GB” zone. The built-over area of the proposed house (43.11m²) exceeded that of the domestic structure permitted under the GLL (37.2m²). The proposed development was considered not in line 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 residential redevelopment within the “GB” zone had exceeded the intensity of the existing development. The applicant had failed to provide justifications for the intensity of the proposed development. DLO/Is, LandsD did not support the application as redevelopment of the structure within the GLL exceeded the dimensions of the permitted structure. As advised by DLO/Is, LandsD, the as-built structure on the Site was found undergoing redevelopment in mid-2011 without prior approval/consent from the Government. The redevelopment works were found re-activated in June 2013 without prior consent.

Approval of the application would create an undesirable precedent for similar applications from other landowners for redevelopment without prior approval/consent from the Government. It was also undesirable to condone unauthorised development without obtaining prior planning permission.

131. Members had no question on the application.

Deliberation Session

132. 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 house development is not in line with the Town Planning Board Guidelines for Application for Development within Green Belt zone under section 16 of the Town Planning Ordinance in that the intensity of the proposed residential redevelopment exceeds that of the existing development; and
- (b) approval of the application will set an undesirable precedent, attracting similar applications for redevelopment without prior approval/consent from the Government.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/226 Proposed House (New Territories Exempted House – Small House) in
“Green Belt” Zone, Lot 1945 S.C in D.D. 244, Mok Tse Che, Sai Kung
(RNTPC Paper No. A/SK-HC/226)

Presentation and Question Sessions

133. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application since the extensive clearance of vegetation within “Green Belt” (“GB”) zone would be required for the construction of Small House;
 - (ii) the Commissioner for Transport (C for T) had reservation on the application. Although additional traffic generated by the proposed development was not expected to be significant, such type of development, outside the “Village Type Development” zone, if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning viewpoint. According to “Landscape Value Mapping of Hong Kong”, the Site served as a landscape buffer to the southwest of “Conservation Area” zone at Kwai Au Shan. The proposed Small House was considered not compatible with the planning intention and the landscape character of existing hillside woodland. Vegetation clearance and site formation works for

construction of the Small House were anticipated. Although significant landscape impact within and adjacent to the Site would be unlikely, there were no tree survey, details of site formation works or landscape proposal provided. Approval of the application would cause general degradation to the surrounding landscape and set an undesirable precedent for further Small House encroachment onto the natural landscape buffer of the “GB” zone; and

- (iv) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the proposed Small House development was located on natural hillside, and met the alert criteria requiring a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the proposed development, unless the applicant was prepared to undertake NTHS and would provide suitable mitigation measures, if found necessary, as part of the proposal. However, this could have significant cost implication and render this Small House development not economically viable. If the applicant wished to proceed with the proposed development, he was required to submit Geotechnical Planning Review Report (GPRR) in support of the application and to assess the geotechnical feasibility of the proposed development;
- (d) during the first three weeks of the statutory publication period, four public comments were received from Worldwide Fund Hong Kong, Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited and a member of the general public which objected to the application. The grounds of objection included the “GB” zoning, not compatible with the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance, ecological impact, undesirable precedent, no environmental, traffic, drainage and sewerage assessments and potential damage to the natural environment. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
- (i) the proposed Small House at the Site was not in line with the planning intention of the “GB” zone. There was a general presumption against development within the “GB” zone. There were no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;
 - (ii) the land available could not fully meet the demand of Small House development in the “V” zone of Mok Tse Che Village. However, the proposed development did not comply with the interim criteria for assessing planning application for NTEH/Small House development in the New Territories and TPB PG-No. 10 in that they would involve clearance of natural vegetation as well as affect the existing natural slope. The Site was sloping in topography and extensive site formation was required. The impact of the proposed development would extend beyond the site boundary, resulting in adverse impact on the existing landscape resources and the woodland in the vicinity. CTP/UD&L had raised objection to and DAFC had reservation on the application. The submission failed to demonstrate that the proposed development would not have adverse landscape impact on the surrounding area;
 - (iii) H(GEO), CEDD would tender in-principle objection to the proposed development, unless the applicant was prepared to undertake NTHS and to provide suitable mitigation measures, if found necessary, as part of the proposal;
 - (iv) the approval of the application would set an undesirable precedent for other similar applications in this “GB” zone in the future. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about

adverse landscape impact on the area.

- (v) C for T had reservation on the application and advised that such type of development should be confined within the “V” zone as far as possible. Development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and
- (vi) there were public comments objecting to the application mainly on environmental, traffic and ecological grounds.

134. Members had no question on the application.

Deliberation Session

135. 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. There are no exceptional circumstances or strong planning grounds in the submission to justify a departure from the planning intention;
- (b) the proposed development is not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House development in the New Territories and the Town Planning Board (TPB) Guidelines No. TPB PG-No.10 for ‘Application for Development within “GB” Zone’ in that the application will involve clearance of natural vegetation and affect the existing natural steep slope.

The submission fails to demonstrate that the proposed development will not have adverse landscape and geotechnical impacts on the surrounding area; and

- (c) the approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such applications will result in a general degradation of the environment and bring about adverse landscape impact on the area.”

Agenda Item 24

Section 16 Application

[Open Meeting]

A/SK-SKT/8 Proposed Comprehensive Residential Development in “Comprehensive Development Area (2)” Zone, Lot 1949 and Adjoining Government Land in D.D. 221, Sai Kung
(RNTPC Paper No. A/SK-SKT/8)

136. The Secretary reported that Environ Hong Kong Ltd. and Urbis Ltd. were the consultants of the applicant. Mr Ivan Fu, who had current business dealings with both consultants, had declared an interest in this item. Ms Janice Lai, who had current business dealings with Urbis Ltd., had also declared an interest in this item. The Committee noted that Mr Fu had tendered apologies for being unable to attend the meeting. As the case was for deferral, the Committee agreed that Ms Lai should be allowed to stay in the meeting.

137. The Secretary reported that on 6.11.2013, the applicant requested the Board to defer making a decision on the application for two months in order to prepare supplementary information to address departmental comments. This was the applicant’s first request for deferment.

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

consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Sha Tin, Tai Po and North District

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

Agenda Item 25

[Open Meeting]

Consideration of the Draft Planning Brief for the
“Comprehensive Development Area (2)” Site at Whitehead, Ma On Shan
(RNTPC Paper No. 13/13)

139. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/STN, presented the draft planning brief (PB) as detailed in the Paper and covered the following main points :

Background

- (a) the Whitehead headland was rezoned to “Comprehensive Development Area (2)” (“CDA(2)”), “CDA(3)” and “Recreation” (“REC”) on the draft Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/17. On 24.2.2012, the draft OZP was exhibited for public inspection. During the public inspection period, a total of 7 representations and 42 comments were

received. On 31.8.2012, the Board heard the representations and comments and decided not to amend the OZP to meet the representations. The draft OZP was approved by the Chief Executive in Council on 30.7.2013. The draft PB had been prepared for the “CDA(2)” zone at Whitehead to guide the developments there;

- (b) the site occupied the southwestern part of Whitehead headland and comprised elevated platforms with vegetation on the slopes. It was surrounded by the “REC” zone to the north and the “CDA(3)” zone to the east. It was served by Yiu Sha Road to the immediate south of the site, which would be widened and the project was tentatively scheduled to be completed by 2017/18;

Draft Planning Brief

Development Parameters

- (c) the site, with an area of about 3.77 ha, was subject to a total maximum GFA of 40,000 m². It was estimated that the site would provide some 500 units. The maximum BH was 50 mPD (i.e. about 12 storeys) and a stepped building height profile descending from the southern part of the site to the northern part should be maintained;

Urban Design and Landscape Requirements

- (d) a 15m-wide visual corridor extending from the “CDA(1)” zone should be provided. Podium structure would not be permitted to respect the Site’s waterfront location. In addition, a visual impact assessment (VIA) and an air ventilation assessment (AVA) should be conducted to ensure better air ventilation and visual permeability;
- (e) the applicant was required to submit a landscape master plan (LMP). Existing trees should be retained. Greenery should be provided including vertical greening, with priority for tree planting at-grade. A minimum

coverage of greenery of 30% of the site area should be provided with half of which at-grade. Private open space of 1m² per person should be provided;

Transport Requirements

- (f) a comprehensive Traffic Impact Assessment (TIA) should be conducted to the satisfaction of the Commissioner for Transport (C for T). Should there be any traffic mitigation measures required, the applicant should be responsible for the design, implementation and associated costs;
- (g) ancillary car parking spaces and loading/unloading bays for the proposed development should be provided in accordance with the Hong Kong Planning Standards and Guidelines. All parking and loading/unloading facilities were required to be provided in the basement;

Environmental, Drainage and Sewerage Requirements

- (h) an environmental assessment (EA) should be conducted to the satisfaction of the Director of Environmental Protection to examine any possible environmental problems during and after construction, and the proposed mitigation measures;
- (i) a drainage and sewerage impact assessment (DSIA) should be conducted to examine any possible drainage and sewerage problems and the proposed mitigation measures; and
- (j) the aforesaid VIA, AVA, LMP, TIA, EA and DSIA should be included in the MLP submission by the future developer;

Views from Sha Tin District Council (STDC) and PlanD's Responses

- (k) The Development & Housing Committee of STDC was consulted on the draft PB on 31.10.2013. While STDC had no objection to the draft PB, a

member asked if the development parameters had been intensified and was concerned about the parking provision and pedestrian connection with rail station. STDC passed a motion requesting for the construction of a cycling city at Whitehead headland in tandem with the “CDA(2)” development; and

- (l) PlanD’s responses were as follows :
 - (i) the development parameters of the site including GFA and building height had not been intensified and complied with the OZP;
 - (ii) car parking spaces for the proposed development should be provided in accordance with the Hong Kong Planning Standards and Guidelines (HKPSG) to the satisfaction of the C for T.
 - (iii) the PB reflected the Government’s intention to construct a footbridge across Yiu Sha Road for connection with a 24-hour pedestrian walkway within the “CDA(1)” site to the Wu Kai Sha Station; and
 - (iv) within the “REC” zone to the north, major recreational/sports facilities and uses in support of the recreational developments including cycling might be permitted subject to planning permission. In fact, part of the “REC” zone was currently used as velodrome for cycling training purpose. Besides, PlanD had relayed the proposal of a cycling city to Leisure and Cultural Services Department for consideration at the detailed design stage of the “REC” zone.

140. After deliberation, the Committee decided to agree:

- (a) to note the views of the Sha Tin District Council members as summarised in paragraph 6 and the motion in Annex II of the Paper; and
- (b) to endorse the draft planning brief in Annex I of the Paper.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/831 Shop and Services (Pharmacy, Retail Shop) and Wholesale Trade
 (Pharmacy) in “Industrial” Zone, Unit C2 in Factory C on G/F of Block
 1, Kin Ho Industrial Building, Nos. 14-24 Au Pui Wan Street, Fo Tan,
 Sha Tin

 (RNTPC Paper No. A/ST/831)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (pharmacy, retail shop) and wholesale trade (pharmacy);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. 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.

142. Members had no question on the application.

Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire safety measures within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2014;
- (b) in relation to (a) above, the implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014; and
- (c) if any of the above planning conditions (a) or (b) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor the compliance with 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 jeopardised;
- (c) 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;

- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected;
- (f) 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 is available for the area under application. Regarding matters related to fire resisting construction, the applicant is advised to comply with the Code of Practice for Fire Safety which is administered by the Buildings Authority; and
- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations."

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/174 Temporary Shop and Services (Retail Shop) for a Period of 3 Years in
“Government, Institution or Community” Zone, Lot 1080 RP (Part) in
D.D. 95, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/174)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (retail shop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who indicated ‘no comment’ on the application and opined that the nearby villagers should be consulted. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 12 of the Paper.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, 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 application site during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2014;
- (d) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014;
- (e) in relation to (d) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2014;
- (f) the submission of tree preservation and landscaping proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (g) in relation to (f) above, the implementation of tree preservation and landscaping proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2014;

- (h) if the above planning condition (a) 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; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the development on site;
- (b) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submissions of general building plans;
- (e) to note the comments of the Commissioner for Transport that the management and maintenance responsibilities of the village track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) 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 development under application;

(g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:

(i) for provision of water supply to the application site, the applicant may need to extend his/her 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 site is located within flood pumping gathering ground;

(h) to note the comments of the District Lands Officer/North, Lands Department that:

if the planning application is approved, the owners of the lot concerned have to apply to his office for a Short Term Waiver (STW) for the existing structures. There is no guarantee that the application for STW would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including payment of STW fee; and

(i) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise the potential environmental impacts on the adjacent area."

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Director of Environmental Protection (DEP) advised that the application site was surrounded by various industrial uses including vehicle repairing, machinery workshop, vehicle park, etc. These industrial uses and the associated heavy vehicle movements might induce industrial/residential (I/R) interface problem to the applied residential use. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. C for T advised that notwithstanding the above, the application, which only involved construction of one Small House, could be tolerated unless it was rejected

on other grounds.

- (d) during the first three weeks of the statutory publication periods, four public comments were received. A North District Council (NDC) member submitted supportive comments to the application and its further information on the grounds that the application would facilitate the construction of house by the concerned villager. Designing Hong Kong Limited submitted opposing comments to the application and its further information on the grounds that there was no overriding reason for the proposed development as the application site fell within the “Recreation” (“REC”) zone; most of the villagers built houses for financial gain and they did not live in the houses; the proposed development was incompatible with the “REC” zoning; no traffic or environment impact assessment had been completed; and the approval of the application would set an undesirable precedent for similar applications;
- (e) The District Officer (North) (DO(N)) received local views from the Chairman of the Sheung Shui District Rural Committee who objected to the application on traffic, drainage and *fung shui* grounds; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the application had been assessed according to the set of Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria). The entire footprint of the proposed Small House fell within the village ‘environs’ of Ying Pun Village. However, the proposed Small House development was not in line with the planning intention of the “REC” zone. Although there was insufficient land in the “V” zone in Ying Pun Village to meet the demand of Small Houses, as there were still about 0.99 ha of land (about 39 Small House sites) within this “V” zone for Small House

development, it was considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services;

- (ii) the proposed development was not in line with the Interim Criteria in that the proposed development was not compatible with the existing uses of the surrounding area, i.e. workshops, warehouses and other storage uses and thus might cause industrial/residential (I/R) interface problem to the future residents. In this regard, DEP advised the industrial uses and the associated heavy vehicle movements might induce I/R interface problem to the proposed development;
- (iii) the applicant claimed that the existing temporary workshops and warehouses under short term tenancy (STT) near the application site would be closed down. However, the District Lands Officer/North advised that his office had not received any application for termination of the STT near the application site. In addition, there were three sites near application site with planning permissions granted for temporary godown, open storage of metal ware and storage use of metal ware, and the planning permissions would expire on 9.5.2014, 18.7.2014 and 5.7.2016 respectively;
- (iv) since the first promulgation of the Interim Criteria on 24.11.2000, there was no previous application for Small House development within the same “REC” zone. The approval of the application would set an undesirable precedent for similar applications within “REC” zone. In this regard, C for T considered that permitting such type of Small House development outside the “V” zone would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial;
- (v) the application No. A/NE-PK/22 as mentioned by the applicant was

not comparable with the current application since the locality of these two applications were different; and

- (vi) there were local objection as conveyed by DO(N) and public comments against the application mainly on traffic, drainage and *fung shui* grounds.

150. Members had no question on the application.

Deliberation Session

151. 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 is not in line with the planning intention of the “Recreation” (“REC”) zone, which is primarily for recreational developments for the use of the general public, and encourages the development of active and/or passive recreation and tourism/eco-tourism. Approval the application would set an undesirable precedent for similar applications within “REC” zone; and
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development is not compatible with the surrounding area which is generally occupied by workshops, warehouses and other storage uses.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/352 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Open Space” and “Residential (Group C) 2” Zones, Lot 1990
S.B in D.D. 95, Kwu Tung Road, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/352)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a North District Council (NDC) member and the Resident’s Representative (RR) of Kwu Tung (South). The NDC member had no specific comment but indicated that nearby residents should be consulted. The RR of Kwu Tung (South) objected to the application on grounds that the development at the application site would likely cause traffic accident and endanger the pedestrian safety. The District Officer (North) received the local views from the RR of Kwu Tung (South) and the Chairman of Sheung Shui District Rural Committee. They objected to the application on the grounds that the development at the application site would likely cause traffic accident and endanger the pedestrian safety; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. Although there was a public comment against the application on traffic grounds, it was noted that the Commissioner for Transport had no objection to the subject development. The applied use would provide services serving the nearby residential neighbourhood. Besides, it was not in conflict with the planning intention and not incompatible with the surrounding low-rise and low-density residential development. The circumstances were similar to those of the previously approved planning application (No. A/NE-KTS/298) for temporary shop and services (real estate agency).

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 9:30 p.m. and 9:30 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.8.2014;
- (d) the submission of water supplies for firefighting and fire service installations (FSIs) proposal within 6 months from the date of planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014;

- (e) in relation to (d) above, the provision of water supplies for firefighting and FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2014;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.8.2014;
- (h) 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; and
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) 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.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lots should be advised to apply to his office for a Short Term Waiver (STW). There is no guarantee that the application for STW would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STW fee;
- (b) to note the comments of the Chief Engineer/Development(2), Water

Supplies Department that the application site is located within the flood pumping gathering ground;

- (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;
- (d) to note the comments of the Director of Fire Services that :
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the proposed site, fire service installations will be needed;
 - (ii) except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the tenant is required to send relevant layout plans incorporated with the proposed fire service installations (FSIs) to Director of Fire Services for approval. In doing so, the applicant should note that;
 - the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
 - (i) if the existing structures are erected on leased land without approval of his department, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use

under the application;

- (ii) before any new building works (including temporary buildings) are to be carried out on the application site, prior approval and consent from BD should be obtained. An authorised person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) for unauthorised building work (UBW) erected on leased land, enforcement action may be taken by his department to effect their removal in accordance with his department's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
- (iv) in connection with (ii) above, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under B(P)R 19(3) at the building plan submission stage.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/487 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 829 S.A
RP in D.D. 8 in Ping Long Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/487)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities. There was a natural stream to the west of the Site which was an Ecologically Important Stream (EIS). Any pollution from the site during construction and operational stages might cause adverse ecological impact to the EIS;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the site fell partly within the “Agriculture” zone and there was a lack of a proper sewerage system, parking and planning in the area; and most villagers built houses for financial gain rather to live in. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. To address DAFC’s concern on the EIS, an advisory clause was proposed to remind the applicant to follow the Buildings Department PNAP-No. ADV-27 to avoid disturbance to the stream and causing water pollution. Although there was one opposing public comment mainly on traffic and sewerage grounds, relevant government departments including

Transport Department and Drainage Services Department had no adverse comment on the application.

157. Members had no question on the application.

Deliberation Session

158. 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 22.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

159. 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 :
 - (i) a septic tank and soakaway pit system may be permitted to be used as an interim measure for foul effluent disposal before public sewers are available subject to the approval of the Director of

Environmental Protection (DEP). Any such permitted septic tank and soakaway pit system shall be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system shall be located at a distance of not less than 30m from any water course and shall be properly maintained and desludged at a regular frequency. All sludge thus generated shall be carried away and disposed of outside the water gathering grounds;

- (ii) since the proposed New Territories Exempted House (NTEH)/Small House is less than 30m from the nearest water course, the house should be located as far away from the water course as possible;
 - (iii) the whole of foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes;
 - (iv) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via the relevant private lots; and
 - (v) for provision of water supply to the development, the applicant may need to extend his/her 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 DEP that the proposed Small House shall be connected to the future public sewer when available; the sewerage

connection point(s) shall be within the application site and within the “Village Type Development” (“V”) zone; adequate land shall be reserved for the future sewer connection work; and legal consent for access right to construct and maintain the sewer connection system shall be acquired from the owner(s) of the adjacent private lot, if necessary;

- (c) to note the comments of Director of Agriculture, Fisheries and Conservation that there is a natural stream to the west of the application site, Upper Lam Tsuen River, which is an Ecologically Important Stream (EIS) listed in ETWB TCW No. 5/2005. Any pollution from the application site during construction and operational stages may cause adverse ecological impact to the EIS. The applicant should follow the Buildings Department (BD) Practice Note for Authorised Persons and Registered Structural Engineers No. ADV-27 “Protection of natural streams/rivers from adverse impacts arising from construction works” in particular the Appendix B “Guidelines on Developing Precautionary Measures during the Construction Stage” so as to avoid disturbance to the stream and causing water pollution;
- (d) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that :
 - (i) public stormwater drain is not available for connection in the vicinity of the Site. Any proposed drainage works, whether within or outside the lot boundary, 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; and
 - (ii) the scope of provision of village sewerage to Lam Tsuen Valley “V” zone area is being finalised under DSD’s project 4332DS “Lam Tsuen Valley Sewerage”. The village sewerage works in Ping Long

Tsuen started in October 2012, for completion in mid 2016 tentatively subject to the land acquisition progress. The proposed development is located partially within the original “V” zone where no existing public sewerage system connection is available now. Public sewers will be laid to the locations near to the proposed development under DSD’s current project scheme. The applicant could extend his sewer via other private/government land to the proposed public sewers by himself if he would like to discharge his sewage into the public sewerage system. However, the above information is preliminary and will be subject to revision due to actual site situation;

- (e) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) 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:
 - (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 structures; 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

(g) 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 TPB where required before carrying out the road works.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/488 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1323 S.B
ss.5 in D.D. 8, San Tong Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/488)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as there were active agricultural activities at the Site and its vicinity;

- (d) during the first three weeks of the statutory publication period, 38 public comments were received from Designing Hong Kong Limited (DHKL), the villagers/indigenous villagers and village representative/Indigenous Inhabitation Representatives (IIR) of San Tong. DHKL objected to the application mainly on the grounds that the development might reduce agricultural land in Hong Kong and cause adverse traffic, drainage, sewage impacts. There was also no information of access and parking arrangements. The remaining 37 comments objected to the application mainly on the grounds that they have previously objected to Small House applications at the site; Small House applications were rejected by the Lands Department; the villagers had not been directly notified and consulted on the subject application; and the proposed development would affect the *fung shui* of the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows :
 - (i) the proposed Small House was not in line with the planning intention of the “Agriculture” (“AGR”) zone. DAFC did not support the application as the site and its vicinity had active agricultural activities;

 - (ii) the applicant was an indigenous village of San Tong as confirmed by his Village Representative. The site fell wholly within the village ‘environs’ (‘VE’) of San Tong with more than 50% within the ‘VE’ of Lam Tsuen San Tsuen. According to District Lands Officer/Tai

Po's records, the total number of outstanding Small House applications for San Tong was 13 while no 10-year Small House demand forecast was provided by the IIR of San Tong. Based on the latest estimate by Planning Department, about 1.57 ha (or equivalent to about 62 Small House sites) of land were available within the "Village Type Development" zone. Therefore, there was sufficient land available in the 'V' zone of San Tong to meet the future Small House demand of about 0.33 ha (or equivalent to about 13 Small House sites) in San Tong;

- (iii) although the proposed Small House development was not incompatible with the surrounding environment and would be able to connect to the public sewers, the proposed Small House did not comply with the Interim Criteria as there was no general shortage of land in meeting the future demand for Small House development in the "V" zone of San Tong;
- (iv) there were five similar applications in the vicinity of the site in the same "AGR" zone. These applications were approved by the Committee on sympathetic grounds despite there was no general shortage of land in "V" zone mainly because more than 50% of their respective Small House footprints were within the "V" zone; and either there was previous approval granted at the site or the developments were regarded as in-fill development. The current application with only about 16% of the Small House footprint within the "V" zone did not warrant the same sympathetic consideration; and
- (v) there were public comments objecting to the application mainly on grounds of traffic, drainage and sewage grounds.

161. Members had no question on the application.

Deliberation Session

162. 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 is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone 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 current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of San Tong; and
- (c) there is land available within the “V” zone of San Tong for Small House development. The applicant fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.”

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/477 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Green Belt” Zones, Lots 654 S.T ss.1 RP, 654 S.T
 ss.3 RP, 654 S.T ss.4, 654 S.U ss.3 RP, 654 S.U ss.4 S.A & 654. S.U
 RP in D.D. 15 and Adjoining Government Land,
 Shan Liu Village, Tai Po
 (RNTPC Paper No. A/NE-TK/477)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities. The Commissioner for Transport (C for T) had reservation on the application. Such type of development should be confined within the “Village Type Development” zone as far as possible. Notwithstanding, the subject application only involved construction of a Small House, he considered that the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation. The commenters objected

to the application mainly for the reasons that the proposed development was not in line with the planning intention of “Agriculture” and “Green Belt” zones and approval of the application would cause cumulative adverse impacts on the traffic and environment in the area and adverse implication on food production. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 13 of the Paper. Whilst DAFC did not support the application from agricultural point of view, the Site was a piece of abandoned agricultural land sparsely covered with weeds. C for T advised that the application could be tolerated. As regards the public comments objecting to the application, relevant Government departments consulted including Environmental Protection Department, Water Supplies Department and Drainage Services Department had no objection nor adverse comment on the application. Appropriate approval conditions and advisory clauses had been recommended to minimise the potential adverse impacts on the surrounding area if the application was approved.

164. Members had no question on the application.

Deliberation Session

165. 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 22.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

of the Director of Drainage Services or of the TPB;

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

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

- “(a) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House shall not be commenced before the completion of the public sewerage system. Upon completion of the sewer, the applicant should connect the proposed Small House to the public sewerage system at his own cost;
- (b) to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant/owner is required to maintain the drainage systems properly and rectify the systems 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;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and

- (e) 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 33

Section 16 Application

[Open Meeting]

A/NE-TK/478 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 543 S.B in D.D. 26, Wong Yue Tan, Tai Po
(RNTPC Paper No. A/NE-TK/478)

167. The Secretary reported that on 20.11.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time to address comments from the Government departments. This was the applicant’s first request for deferment.

168. 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/TP/539 Proposed House (Redevelopment) in “Green Belt” Zone, Lot 2087 in
D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/539)

Presentation and Question Sessions

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

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

170. Members had no question on the application.

Deliberation Session

171. 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 22.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

172. 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 (DLO/TP, LandsD) that the applicant is required to apply for lease modification for implementation of the development proposal. However, there is no guarantee that such application will be approved. If it is approved by LandsD acting in its capacity as the landlord at its absolute discretion, it will be subject to such terms and conditions, including, amongst others, payment of premium, as may be imposed by LandsD;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drainage and sewerage systems are not available for connection in the vicinity of the subject lot. The applicant is required to maintain the drainage system properly, to rectify the system if it is found to be inadequate, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the

Code of Practice for Fire Safety in Building 2011 administered by Buildings Department (BD); and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid impact to the mature trees including a *Cinnamomum camphora* at the western corner and a *Ficus microcarpa* at the northern corner of the site;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide vertical greening for the fence wall, particularly on the side abutting Pun Chun Yuen Road; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
 - (i) there is no record of approval by the Building Authority for the structures existing at the application site;
 - (ii) if the existing structures are New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), DLO/TP should be in a better position to comment on the application;
 - (iii) before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (iv) if the existing structures are erected on leased land without approval of BD (not being a NTEH), they are unauthorised under the BO and should not be designated for any approved use under the subject

application;

- (v) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (vi) in connection with (iii) above, 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) at the building plan submission stage;
- (vii) if the site abuts on a specified street of not less than 4.5m wide, its permitted development intensity shall be within the permissible plot ratio and site coverage as stipulated in the First Schedule of B(P)R. Otherwise, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;
- (viii) the sustainable building design requirements and the pre-requisites under PNAP APP-151 & 152 for gross floor area (GFA) concessions would be applicable to the redevelopment. In this connection, any non-mandatory or non-essential plant rooms of the development may be countable for GFA under the BO subject to their compliance with the above PNAPs;
- (ix) foul water should not be discharged to nearby stream course; and
- (x) formal submission of any proposed new building works for approval and consent under the BO is required. Detailed consideration will be made at the building plan submission stage.”

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/516 Temporary Vehicle, Machinery and Construction Equipment Repair
Workshop for a Period of 3 Years in “Recreation” Zone, Lot 612 S.G
in D.D. 85, Lau Shui Heung, Fanling
(RNTPC Paper No. A/NE-LYT/516A)

Presentation and Question Sessions

173. 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 vehicle, machinery and construction equipment repair workshop 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 domestic structures in the vicinity of the site and environmental nuisance was expected.
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who supported the application on the grounds that the proposed use would bring convenience to the relevant people, and stated that more consultation with the residents nearby should be done. The District Officer (North) received the supportive local view from the North District Council of subject constituency cum Indigenous Inhabitants Representative of Lung Yeuk Tau; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application, no substantiated environmental complaint concerning the site had been received in the past three years. To address DEP's concern, approval conditions restricting the operation hours and the use of heavy goods vehicles were recommended. Moreover, the applicant would be advised to follow the environmental mitigation measures as set out in the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'.

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 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) the existing permanent fence and the permanent barrier shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of

planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2014;

- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (g) the submission of proposals for water supplies for firefighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2014;
- (h) in relation to (g) above, the implementation of proposals for water supplies for firefighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014;
- (i) the submission of tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.2.2014;
- (j) in relation to (i) above, the implementation of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (k) the submission of a layout plan and site photos showing the car parking and loading/unloading arrangement within the application site within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 22.2.2014;
- (l) if any of the above conditions (a), (b), (c) or (d) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and

- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) 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.”

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

- “(a) shorter compliance periods are allowed to monitor the progress of compliance with approval conditions;
- (b) 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 by the TPB to any further application;
- (c) prior planning permission should have been obtained before commencing the applied use at the application site;
- (d) to follow the environmental mitigation measures as recommended in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Director of Environmental Protection in order to minimise the potential environmental impacts on the adjacent area;
- (e) to note the comments of the Director of Electrical and Mechanical Services as follows :
 - (i) the proposed development will be within 50m, the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. As far as electrical safety is concerned, the following should be noted :
 - (a) a minimum of 5.5m safety clearance between the lowest point of the 400kV overhead line conductors and the adjacent

buildings/structures of the development must always be maintained at all directions;

- (b) the roof of the development shall not be accessible;
 - (c) no scaffolding, crane and hoist shall be built or operated within 9m from the conductors of the 400kV overhead lines at all times. CLP Power Hong Kong Limited should be consulted on the safety precautions required for carrying out any works in the vicinity of the 400kV overhead lines; and
 - (d) 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
- (ii) as regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment underneath the overhead lines;
- (f) to note the comments of the District Lands Officer/North, Lands Department as follows :
- (i) a piece of Government land and a portion of Government Land Allocation (GLA) No. GLA-TDN 2137 adjoining the south-eastern boundary of Lot 612 S.G in D.D. 85 outside the application site has been fenced off and occupied without approval. Structures are also found within the said Government land and GLA. The applicant is required to cease occupation of the said Government land and GLA by demolishing or removing the structures concerned and setting back the fences concerned; and

- (ii) the owner of the lot concerned has to apply to his office for a Short Term Waiver for the existing/proposed structures;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the application site is located within the flood pumping gathering ground;
- (h) 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;
- (i) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department that the application site is next to the proposed mid ventilation building and tunnel adits of the Liantang/Heung Yuen Wai Boundary Control Point and Associated Works (BCP) project (Plan A-2 of the Paper). The mid ventilation building site will be used as a portal for construction of the adit and main tunnel. Vehicles for the relevant construction works and tunnel excavation on daily basis are planned. The relevant BCP contract is scheduled to commence in mid-2013 for completion in early 2018; and
- (j) to note the comments of the Director of Fire Services as follows :
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the proposed site, FSIs will need to be installed;
 - (ii) in such circumstances, except where building plans are circulated to his department via the Centralised Processing System of the Buildings Department, the tenant is required to send the relevant layout plans his department incorporated with the proposed fire service installations (FSIs) for approval. The applicant should note

that :

- (a) the layout plans should drawn to scale and depicted with dimensions and nature of occupancy; and
- (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.”

Agenda Items 36 to 38

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/518 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1757 S.B in D.D. 76, Ma Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/518 to A/NE-LYT/520)

A/NE-LYT/519 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1760 S.E in D.D. 76, Ma Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/518 to A/NE-LYT/520)

A/NE-LYT/520 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1757 S.A in D.D.7 6, Ma Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/518 to A/NE-LYT/520)

177. The Committee noted that these three applications were similar in nature (i.e. proposed small house) and were located in close proximity with one another. The Committee

agreed that these applications could be considered together.

Presentation and Question Sessions

178. 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 houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural point of view as the agricultural activities in the vicinity were active and the sites were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, each application only involved construction of one Small House on each of the site. C for T considered that the applications could be tolerated unless they were rejected on other grounds.
- (d) during the first three weeks of the statutory publication period, four public comments were received on each of the applications. Two public comments from a North District Council member and the Fanling District Rural Committee had no comment on the applications. Two adverse public comments from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited against the applications were received. The commenters objected to the applications mainly on the following grounds :
 - (i) the proposed developments were not in line with the planning

intention of “Agriculture” zone;

- (ii) the agricultural land should be retained to safeguard the food supply for Hong Kong;
 - (iii) approval of the cases would set an undesirable precedent for similar applications;
 - (iv) there was no environmental, traffic, drainage and sewerage assessments provided;
 - (v) there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents; and
 - (vi) most villagers built Small Houses for financial gain, but not for domestic purpose;
- (e) the District Officer (North) received local views from the Indigenous Inhabitant Representative of Leng Pei Tsuen supporting the applications and the Residents Representative of Leng Tsui who commented that the access to the sites should be properly planned; and the proposed developments should not cause flooding problems and adverse impacts on the environment; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. Although DAFC did not support the applications from an agricultural point of view, it should be noted that the sites were located to the immediate south of the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and the footprints of the proposed Small Houses fell entirely within the village ‘environs’ 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. Besides, the applications could be tolerated by C for T.

Regarding the adverse public comments, it was considered that the proposed Small House developments would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant Government departments had no adverse comment on or no objection to the applications. Besides, it was recommended to impose approval conditions on the submission and implementation of drainage and landscape proposals to address the possible drainage and landscape impacts.

179. Members had no question on the applications.

Deliberation Session

180. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.11.2017, 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. Each of the permissions was subject to the following conditions :

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

181. The Committee also agreed to advise each of the applicants 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;
- (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/her 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 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by 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 Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the application site is not maintained by his department; and
- (e) 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 39

Section 16 Application

[Open Meeting]

A/NE-LYT/521 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1806 S.A RP in D.D. 76, Kan Tau Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/521)

182. The Secretary reported that on 30.10.2013, the applicant requested the Board to defer making a decision on the application for two months in order to allow time to engage surveyor preparing plan to show the correct distance between the proposed New Territories Exempted House (Small House) and an existing stream in the vicinity of the application site with a view to addressing the comments of the Drainage Services Department on the application. This was the applicant’s first request for deferment.

183. 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 Items 40 to 44

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/38 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1582 S.A in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/38A to 42A)

A/NE-PK/39 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1582 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38A to 42A)

A/NE-PK/40 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1543 S.A in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38A to 42A)

A/NE-PK/41 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1543 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38A to 42A)

A/NE-PK/42 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1543 S.B in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/38A to 42A)

184. The Committee noted that these five applications were similar in nature (i.e. proposed small house) and were located in close proximity with one another. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

185. 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 houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper, which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the proposed Small House developments

(Applications No. A/NE-PK/38, 40 to 42) for the sites were currently occupied by domestic structures and of low potential for agricultural rehabilitation. However, he did not support Application No. A/NE-PK/39 from an agricultural development standpoint as the site was grown with fruit trees and had high potential for agricultural rehabilitation;

- (ii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) advised that existing water mains would be affected (Applications No. A/NE-PK/39 and 40) and needed to be diverted outside the site boundary of the proposed developments to lie in Government land;
- (iii) the Commissioner for Transport (C for T) had reservation on the applications and advised that Small House development should be confined within the “V” zone as far as possible. Notwithstanding the above, as the applications only involved construction of five Small Houses, he considered the applications could be tolerated unless they were rejected on other grounds;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the five applications from landscape planning point of view. The likely impact of the proposed Small Houses could not be fully ascertained although the proposed Small Houses were not incompatible with the surrounding landscape character. Besides, it was observed that there was no vehicular access to the sites, more trees outside the sites would be affected by the construction works for the proposed Small Houses. Some existing trees within the application sites could be retained by minor adjustment of building footprint or configuration of the proposed Small Houses so as to minimise the proposed tree felling. Approval condition on the submission and implementation of tree preservation and landscape proposals was recommended;

- (d) during the first three weeks of the statutory publication period which ended on 14.6.2013, nine public comments for Application No. A/NE-PK/38, eight public comments for Application No. A/NE-PK/39, seven public comments for Application No. A/NE-PK/40 and five public comments each for Applications No. A/NE-PK/41 and 42 were received. Except a North District Council (NDC) member, Kadoorie Farm & Botanic Garden Corporation (KFBGC) and Designing Hong Kong Limited (DHKL) provided identical comments for all five applications, other comments on the five applications were from private individuals. The public comments were summarised as follows :
- (i) the NDC member supported all five applications as they could facilitate villagers to build Small Houses;
 - (ii) KFBGC and DHKL objected to the applications mainly on the grounds that the proposed developments were 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 cases would set undesirable precedents for similar applications and the cumulative impact of approving such type of applications should be considered; there was a lack of plan for a sustainable village layout to ensure the health and well-being of the current and future residents; and most villagers built houses for financial gain, but not for domestic purpose;
 - (iii) the other six public comments for Application No. A/NE-PK/38, five public comments for Application No. A/NE-PK/39, four public comments for Application No. A/NE-PK/40 and two public comments each for Applications No. A/NE-PK/41 and 42 expressed the views that the proposed developments would pollute the environment, cause noise pollution, traffic congestion and inconvenience to elderly people;
- (e) during the first three weeks of the statutory publication period of the further

information submitted by the applicants which ended on 12.11.2013, six public comments each for Applications No. A/NE-PK/38 and 41, six public comments for Application No. A/NE-PK/39 with one consisted of a group of 5 people, seven public comments each for Applications No. A/NE-PK/40 and 42 were received. One public comment on each application was received from the same NDC member who supported the five applications on the same ground mentioned in paragraph 177 (d)(i) above. Two public comments on each application were received from KFBGC and DHKL providing additional comments on the applications on the grounds that there was no impact assessment of traffic and environment provided. Other comments were from private individuals expressing the views that village land should be reserved for indigenous villagers but not for cross-village applications;

- (f) no local objection/view was received by the District Officer (North); and
- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. DAFC had no objection to four of the applications (No. A/NE-PK/38, 40 to 42) as the sites were currently occupied by domestic structures and were of low potential for agricultural rehabilitation. DAFC did not support Application No. A/NE-PK/39 from the agricultural development standpoint as the site was grown with fruit trees. It should, however, be noted that the fruit trees at the application sites were in poor to fair condition according to the tree surveys of the applicants. The proposed Small Houses were not incompatible with the surrounding environment, which was predominantly rural in nature with village houses and low-rise residential development in the north and east. Regarding CTP/UD&L, PlanD's reservation from the landscape planning point of view, the applicants' submitted tree surveys had indicated that the trees on the sites are 'Longan' and 'Carambola' fruit trees with low/no transplantation value, thus these trees were suggested to be removed and compensatory planting be provided. To address the concerns of CTP/UD&L, PlanD and to allow refinement of the building layout in

relation to the existing trees and provision of landscaping measures, it was recommended to impose an approval condition requiring the applicants to submit and implement tree preservation and landscape proposals should the Board decide to approve the applications. Regarding Applications No. A/NE-PK/39 and 40, CE/Dev(2), WSD commented that existing water mains would be affected and needed to be diverted outside the site boundary of the proposed Small Houses to lie in Government land. In this regard, an approval condition on the diversion of water mains was recommended. Regarding the public comments objecting to the applications, concerned government departments in general had no adverse comment on or no objection to the applications. Moreover, it was also recommended to impose approval conditions on the submission and implementation of drainage, and tree preservation and landscape proposals to address the possible drainage and landscape impacts.

186. Members had no question on the applications.

Deliberation Session

187. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 22.11.2017, 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. Each of the planning permissions for Applications No. A/NE-PK/38, 41 and 42 would be subject to the following conditions :

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

188. Each of the planning permissions for Applications No. A/NE-PK/39 and 40 would be subject to the following conditions :

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of proposal for water mains diversion before the commencement of works to the satisfaction of the Director of Water Supplies or of the TPB; and
- (c) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

189. The Committee also agreed to advise the applicants of Applications No. A/NE-PK/38, 41 and 42 of the followings :

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that :
 - (i) the site is in an area where no public storm-water drainage is available in the vicinity; and
 - (ii) the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Environmental Protection that on sewerage treatment/disposal aspect, the applicant should be reminded to construct and use septic tank and soakaway (ST/SA) systems in compliance with the requirements mentioned in ProPECC PN 5/93 and convey the wastewater generated from the house into the ST/SA systems for proper treatment;
- (d) to note the comments of the Director of Fire Services that the applicant is

reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Yu Tai Road to the application site is not maintained by HyD;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that :
 - (i) the scale of the tree location plans appears not 1:500; and
 - (ii) some existing trees within the application sites could be retained by minor adjustment of building footprint or configuration of the proposed Small Houses so as to minimise the proposed tree felling; 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 Board where required before carrying out the road works.”

190. The Committee also agreed to advise the applicants of Applications No. A/NE-PK/39 and 40 of the following :

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that :
 - (i) the site is in an area where no public storm-water drainage is available in the vicinity; and

- (ii) the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that :
- (i) the site is located within the flood pumping gathering ground; and
 - (ii) existing water mains will be affected and needs to be diverted outside the site boundary of the proposed development to lie in Government land (Plan A-2 of the Paper). A strip of land of 1.5m in width should be provided for the diversion of existing water mains. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development;
- (c) to note the comments of the Director of Environmental Protection that on sewerage treatment/disposal aspect, the applicant should be reminded to construct and use septic tank and soakaway (ST/SA) systems in compliance with the requirements mentioned in ProPECC PN 5/93 and convey the wastewater generated from the house into the ST/SA systems for proper treatment;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe '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;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Yu Tai Road to the application site is not maintained by HyD;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that :

- (i) the scale of the tree location plans appears not 1:500; and
- (ii) some existing trees within the application sites could be retained by minor adjustment of building footprint or configuration of the proposed Small Houses so as to minimise the proposed tree felling; 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 Board where required before carrying out the road works.”

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/453 Temporary Warehouse for Storage of Furniture for a Period of 3 Years in “Open Storage” and “Road” Zones, Lots 887, 890 S.A RP, 890 RP and 890 S.B in D.D. 77, Ping Che, Sheung Shui
(RNTPC Paper No. A/NE-TKL/453)

Presentation and Question Sessions

191. 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 warehouse for storage of furniture 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 in the vicinity of the site and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council Member who indicated no comment on the application. The District Officer(North) received local views from the Vice-Chairman of the Ta Kwu Ling District Rural Committee who raised objection to the application without giving any reason; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were some domestic structures in the vicinity of the site, no substantiated environmental complaint concerning the site had been received in the past three years. To address DEP's concern, approval condition restricting the operation hours was recommended. Moreover, the applicant would be advised to follow the environmental mitigation measures as set out in the revised 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites'. Regarding the local objection conveyed by DO(N), it was noted that the objection was without any reason given.

192. Members had no question on the application.

Deliberation Session

193. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m. on weekdays and between 1:00 p.m. and 9:00 a.m. on Saturdays, as proposed by the applicant, is allowed

on the site during the planning approval period;

- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) the peripheral fencing shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2014;
- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (g) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2014;
- (h) in relation to (g) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014;
- (i) the submission of 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 22.2.2014;

- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (k) 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; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) 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.”

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

- “(a) shorter compliance periods are allowed to monitor the progress of compliance with approval conditions;
- (b) 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) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission;
- (d) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lots should apply to his office for a Short Term Waiver (STW) for the proposed structure. There is no guarantee that STW will be granted to the applicant. If the STW is granted, the grant will be made subject to such terms and conditions to be imposed as the

government shall deem fit to do so including the payment of STW fee;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the site is not maintained by HyD;
- (f) to note the comments of the Director of Fire Services that :
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the tenant is required to send the relevant layout plans to Fire Services Department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant should note that :
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that :
 - (i) the existing water mains as shown on Plan A-2 of the Paper will be affected which may need to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land

of 1.5m in width shall be provided for the diversion of the existing water mains. The applicant shall bear the cost of any necessary diversion works affected by the proposed development and submit all the relevant proposals to WSD for consideration and agreement before the works commence;

- (ii) the site is located within the flood pumping gathering ground; and
 - (iii) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows :
- (i) if the existing structure(s) are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and consent from BD should be obtained. An authorised person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular

access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and

- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under the B(P)R 19(3) at the building plan submission stage; and
- (i) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances.”

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/454 Temporary Open Storage of Construction Equipment with Ancillary Storage of Construction Equipment and Tools and Site Office for a Period of 3 Years in “Agriculture” Zone, Lots 1099 S.A (Part), 1100 (Part), 1101 (Part) and 1105 S.A RP (Part) in D.D.82, Ping Che
(RNTPC Paper No. A/NE-TKL/454)

Presentation and Question Sessions

195. 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 equipment with ancillary storage of construction equipment and tools and site office for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application.

- (d) during the first three weeks of the statutory publication period, thirteen public comments were received. Among these public comments, seven were from the Indigenous Inhabitants Representatives (IIRs) together with five residents of the nearby villages and Fanling, who supported the application mainly for the reasons that the temporary open storage use would not cause environmental nuisance and there was insufficient land for open storage uses in the surrounding area. One indigenous villager of Tong Fong Village claiming to represent his village objected to the application for the reasons that the development would seriously affect the rural environment and ecology of the area. Heavy vehicles travelling to and from the site would endanger the villagers. The operation of the open storage would have effluent discharge to streams, odours and noise impacts. The dogs kept by the operator of the open storage also disturbed and threatened the nearby residents. On 7.11.2013, two of the above IIRs made further comments on the application as summarised below :
 - (i) the Lands Department issued a no-objection letter in 1986 to the site for open storage of construction materials. The open storage use had little impact on the environment and ecology;

 - (ii) the site had a proper access via Ping Che Road and was far away from residents. Since the site was near the restricted area (Frontier Closed Area), there were not many pedestrians. The traffic impact of the proposed open storage would be low;

 - (iii) the site was far away from the stream and the proposed open storage did not involve production industry. The water and air pollution alleged by the commenter should not be caused by the site; and

 - (iv) the site was vacant and no dogs were found on the site. The

villagers could report to the Agriculture, Fisheries and Conservation Department if strayed dogs were found in the area.

- (e) the District Officer (North) received local views from the Vice-chairman of Ta Kwu Ling District Rural Committee who supported the application, as well as from the IIRs of Tai Po Tin and the Resident Representative of Tai Po Tin who raised objection to it. The main concerns were the potential fire hazard and traffic impact associated with the operation of the open storage use, particularly the capacity of Ping Che Road was saturated; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public objection mainly on environmental, noise and traffic grounds, concerned departments including the Director of Environmental Protection, Chief Engineer/Mainland North, Drainage Services Department and Commissioner for Transport had no adverse comment on or no objection to the application. Nevertheless, to address the resident's concern on environmental, noise and traffic impacts, approval conditions restricting the operation hours and workshop activities were recommended. Moreover, the applicant would be advised to follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" to minimise any potential environmental nuisances.

196. Members had no question on the application.

Deliberation Session

197. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 22.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no workshop activities shall be carried out on the site at any time 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) the peripheral fencing shall be maintained at all times during the planning approval period;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.2.2014;
- (f) in relation to (e) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 22.5.2014;
- (g) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 3.1.2014;
- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.2.2014;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.5.2014;
- (j) the submission of 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 22.2.2014;

- (k) in relation to (j) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 22.5.2014;
- (l) 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; and
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) 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.”

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

- “(a) shorter compliance periods are allowed to monitor the progress of compliance with approval conditions;
- (b) 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) the permission is given to the uses under application. It does not condone any other uses which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such uses not covered by the permission;
- (d) to note the comments of the District Lands Officer/North, Lands Department that the owners of the lots should be advised to apply to his office for Short Term Waivers (STWs) for regularisation of the structures erected. There is no guarantee that STWs will be granted to the applicants. If the STWs are granted, the grants will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so

including the payment of STWs fees;

- (e) to note the comments of the Director of Fire Services as follows :
 - (i) if no building plan will be circulated to his department via the Centralised Processing System of the Buildings Department (BD) and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, the applicant is required to submit the relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for FSIs for his approval, the applicant is advised that :
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
 - (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
 - (iii) to address the condition on provision of fire extinguisher(s), the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of condition;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within flood pumping gathering ground;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows :

- (i) if the existing structure(s) are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
 - (ii) before any new building works (including containers as temporary buildings) are to be carried out on the application site, prior approval and consent from BD should be obtained. An authorised person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
 - (iii) for unauthorised building works (UBW) erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;
 - (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
 - (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;
- (h) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimise any potential environmental nuisances;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is located in the vicinity of a watercourse. The

applicant should be advised to implement necessary measures to prevent pollution and disturbance to the watercourse as far as possible; and

- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as follows :
 - (i) the applicant should maintain the existing trees in good condition at all times; and
 - (ii) tree planting opportunity is available along the southern and western boundaries of the site; and
- (k) to note the comment of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The applicant should consult the Environmental Protection Department regarding the sewage treatment facilities of the proposed development.”

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

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Any Other Business

199. There being no other business, the meeting closed at 7:45 p.m.