

TOWN PLANNING BOARD

Minutes of 505th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 21.2.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

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

Principle Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr H.M. Wong

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

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

Secretary

Absent with Apologies

Mr Rock C.N. Chen

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 Louis K.H. Kau

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

Agenda Item 1

Confirmation of the Draft Minutes of the 504th RNTPC Meeting held on 7.2.2014

[Open Meeting]

1. The draft minutes of the 504th RNTPC meeting held on 7.2.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

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

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/25 Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Green Belt” Zone, Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP, 417 S.A RP, 417 S.A ss.1, 417 S.A ss. 2 S.A, 417 S.A ss.2 RP and 417 S.B in D.D. 238 and Adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung (RNTPC Paper No. A/SK-CWBN/25C)

Presentation and Question Sessions

3. The Secretary reported that Landes Ltd. was the consultant of the applicants. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with Landes Ltd. As Ms Lai had no direct involvement in this application, the Committee agreed that Ms Lai could stay in the meeting.

4. With the aid of a PowerPoint presentation, 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 three houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper, which were summarised as follows:
 - (i) the Commissioner for Transport had reservation on the application. He opined that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed NTEHs was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding, as the application only involved the construction of three NTEHs, he considered that the application could be tolerated;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning perspective. The site was located on sloping ground and was part of a “Green Belt” (“GB”)

zone within Ng Fai Tin Village. Mature vegetation, including trees, was found to the northeast of the site and houses were found adjacent to the site. The proposed Small House developments were considered incompatible with the “GB” zone. According to the aerial photo dated 25.11.2008, the site and the adjacent narrow strip of land to the southwestern edge of “GB” zone were vegetated and screened off the high retaining wall of the house to the immediate west of the site. However, vegetation clearance had taken place as indicated in the aerial photos of 2009 and 2011. Although significant impact on the existing landscape resources within the site due to the proposed development was not anticipated, the disturbance to the “GB” zone was considered significant and irreversible. Approval of the application would set an undesirable precedent and attract similar applications in the “GB” zone. The cumulative effect of approving similar applications would result in the reduction and general degradation of the “GB” zone. Besides, there was a general presumption against development within the “GB” zone; and

- (iii) the other concerned departments had no adverse comments or no objection to the application.

- (d) during the first three weeks of the statutory publication periods, a total of 61 public comments were received from Designing Hong Kong Limited, Kadoorie Farm & Botanical Garden Corporation and other groups/individuals. All of them opposed to the application mainly on grounds of incompatibility with the planning intention of the “GB” zone; the lack of a sustainable village layout and supporting infrastructures; adverse drainage, sewerage, environmental, ecological, traffic, landscape and visual impacts of the proposed development; lack of technical assessments; no guarantee of implementation and maintenance of the proposed greenery; encouragement of ‘destroy first – develop later’ approach; unreasonable grant of a substantial amount of government land (GL) for private development; sufficient land for Small House development

by local indigenous villagers; reasonable expectation of no development in the “GB” zone; and interference with the maintenance of nearby retaining walls. 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 13 of the Paper, which were summarised as follows:

(i) the proposed development of three NTEHs at the site was not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. The applicants failed to provide strong planning justification in the current submission for a departure from the planning intention;

(ii) with reference to the aerial photos, there was unauthorised vegetation clearance and tree felling on GL within the site between 2009 and 2011. In this regard, CTP/UD&L, PlanD had reservation on the application from the landscape planning perspective as the vegetation clearance had caused significant and irreversible disturbance to the “GB” zone, and approval of the application would set an undesirable precedent and attract similar applications in the “GB” zone. The cumulative effect of approving similar applications would result in general degradation of the “GB” zone and bring about further adverse landscape impact, thereby jeopardizing the planning intention of the “GB” zone. The application therefore did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that extensive clearance of natural vegetation had been involved. The proposed development also did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House development in the New Territories’ as the planning intention of the subject “GB” zone would be jeopardised;

- (iii) nearly half of the site (i.e. 196.06 m² or 46.5%) was GL, which should provide passive recreational outlets for members of the public to enjoy. There was no strong planning justification to include GL within the “GB” zone in the site for Small House development. The Director of Agriculture, Fisheries and Conservation previously detected unauthorised tree felling on GL within the site in 2009. Although no suspect could be identified, approval of the application would send a wrong signal to the public that the Town Planning Board condoned to the ‘destroy first, build later’ approach for the GL involved;
- (iv) the applicants argued that the undesirable precedent effect of approving the application would not be significant as there were only two other private lots within the subject slope of the “GB” zone which were capable of accommodating one Small House only. However, it was noted that there were private lots further north of the subject slope within the same “GB” zone. The approval of the application would set an undesirable precedent for other similar applications in this “GB” zone;
- (v) the Committee rejected the previous application No. A/SK-CWBN/16 for the same use submitted by the same applicants at essentially the same site on 24.2.2012. Although the present scheme was better than the rejected scheme in visual and landscape terms in that the proposed building height was lower and the scale of the site formation works was reduced, there was no change in planning circumstances since the rejection of the previous application. The Committee had also rejected two similar applications within the “GB” zones of the Clear Water Bay Peninsula North OZP. Rejection of the application was in line with the Committee’s recent decisions; and
- (vi) there were a total of 61 public comments objecting to the application on various grounds.

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

5. In response to a Member's question, Mrs Alice K.F. Mak said that 49% of the site fell within the "Green Belt" ("GB") zone while 43% of the site was GL falling within the "GB" zone.

Deliberation Session

6. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 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 in “GB” zone. The applicant fails to provide strong planning justification in the submission for a departure from the planning intention of “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No.10 and the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ in that extensive clearance of natural vegetation has been involved and the planning intention of the “GB” zone would be jeopardised; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zone on the Outline Zoning Plan. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/14 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 191 S.A (Part) in D.D. 230 and Adjoining Government Land, Mau Po Village, Sai Kung
(RNTPC Paper No. A/SK-CWBS/14)

Presentation and Question Sessions

7. With the aid of a PowerPoint presentation, 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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper, which were summarised as follows:
 - (i) the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) had reservation on the application as the footprint of the proposed Small House encroached onto the adjoining government land (GL);
 - (ii) the Commissioner for Transport (C for T) had reservation on the application. Such type of development, outside the “Village Type Development” (“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. However, the application only involved one Small House, he considered that

the application could be tolerated unless it was rejected on other grounds;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from landscape planning viewpoint. The site was a piece of vegetated land covered by young trees and shrubs, and a group of native trees was immediately adjacent to the north of the site. As the site was inaccessible, vegetation clearance, slope formation works and construction of a raised platform were anticipated within and adjacent to the site. However, no information was provided in the submission to demonstrate that there were no adverse impacts arising from the proposed Small House development on the existing slope and adjacent vegetation. Should the application be approved, it was recommended to stipulate a condition requiring the submission and implementation of landscape proposal including tree preservation and landscape reinstatement proposal;
 - (iv) the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department was of the view that the applicant failed to demonstrate that the proposed development would not have adverse geotechnical impacts on the slope;
- (d) during the first three weeks of the statutory publication period, 14 public comments were received from Friends of Sai Kung, Worldwide Fund Hong Kong, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, residents of Mau Po Village and members of the general public. All commenters raised objection to or expressed concerns about the application. Their concerns included environmental conservation, traffic impact and visual impact. The grounds of objection included incompatibility with the Town Planning Board Guidelines No. 10 for 'Application for Development within "Green Belt" ("GB") zone under section 16 of the Town Planning Ordinance' (TPB-PG No.10); ecological

impact; undesirable precedent; traffic impact; shortage of parking spaces; and potential damage to the natural environment. No local objection/view was received by the District Officer (Islands); 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) there was a general presumption against development within the “GB” zone. The site was located on a densely vegetated slope with dense mature trees nearby. The applicant failed to provide strong planning justification for a departure from the planning intention of the “GB” zone. Moreover, GL falling within the “GB” zone should provide passive recreational outlets for the enjoyment of the public. There was no strong planning justification to include this piece of GL, falling within the “GB” zone, for the proposed Small House development;

(ii) slope formation works and construction of a raised platform were anticipated within and adjacent to the site. The proposed development would impose adverse impact on the existing landscape resources and the woodland in the vicinity. There was no information to demonstrate that the proposed Small House development would not create adverse impact on the existing slope and adjacent vegetation. CTP/UD&L, PlanD had raised his reservation on the application from the landscape planning point of view. The application did not comply with TPB-PG No.10 in that extensive clearance and site formation works were involved;

(iii) although there was insufficient land to meet the forecast demand, more than 2 ha of land was still available within the “V” zones in Ha Yeung for Small House development. DLO/SK, LandsD had reservation on the application as the footprint of the proposed Small House encroached onto the adjoining GL. The application did not comply with the ‘Interim Criteria for Consideration of Application

for New Territories Exempted House/Small House in the New Territories' as the planning intention of the "GB" zone would be jeopardised. The applicant failed to demonstrate that the proposed development would not have adverse landscape and geotechnical impacts on the surrounding area;

- (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; and
- (v) there were public comments raising objection to the application mainly on ecological, traffic and environmental grounds.

8. Members had no question on the application.

Deliberation Session

9. 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. The applicant fails to provide strong planning justification in the submission for 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 Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that the application will involve clearance of natural vegetation and affect the existing slope. The applicant 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 would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications will result in a general degradation of the environment.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/207 Temporary Agricultural Use (Horticultural Garden, Storage of Landscape Materials and Tools, Workshop and Ancillary Office) for a Period of 3 Years in ‘Road’ Zone, Lot 870 (Part) in D.D. 217, 56C Tai Chung Hau, Sai Kung
(RNTPC Paper No. A/SK-PK/207)

Presentation and Question Sessions

10. With the aid of a PowerPoint presentation, 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 temporary agricultural use (horticultural garden, storage of landscape materials and tools, workshop and ancillary office) for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD) had reservation under the Buildings Ordinance (BO) on the application as the proposed vehicular access to the site was encroaching on private lot which could not be regarded as a means of access under Building (Planning) Regulation (B(P)R)5 and a specified street under B(P)R 18A(3). Should the application be approved, the applicant should be advised that all unauthorised building works/structures should be removed; and the granting of the planning approval should not be construed as an acceptance of any unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public who objected to the application without reason and suggested that the site should be considered for other development. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. While CBS/NT2&Rail, BD had reservation on the current application as the proposed vehicular access to the site was encroaching on a private lot, it should be noted that the applicant had obtained consent from the owner of Lot 870 to guarantee a through vehicular access to the site. Concerned departments had no adverse comments on the subject vehicular access from traffic point of view. The public comment opposing the application did not give any reason or alternative uses.

11. Members had no question on the application.

Deliberation Session

12. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.5.2014;
- (b) in relation to (a) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.8.2014;
- (c) the submission of proposals for water supplies for fire fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2014;
- (d) in relation to (c) above, the implementation of proposals for water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2014;
- (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 21.5.2014;
- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.8.2014; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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.”

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

- “(a) shorter compliance periods for approval conditions are granted in order to closely monitor the situation in compliance of application conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied uses at the site;
- (c) to note the comments of the District Lands Officer/Sai Kung that the owner of the lot is required to apply a short term waiver for the structures erected thereon upon obtaining planning permission from the TPB. There is no guarantee that the proposed waiver would be approved by the Government. The waiver, if eventually approved, would be subject to such terms and conditions including payment of waiver fee, as Government considers appropriate;
- (d) to note the comments of the Director of Fire Services that 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, the applicant is required to send the relevant layout plans to the Fire Services Department (Address: Planning Group, 9/F, 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporating the proposed FSIs for approval. In doing so, the applicant should note that:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department that all unauthorised building works/structures should be removed and the granting of the planning approval should not be construed as an acceptance of any unauthorised structures on site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorised works in the future;
- (f) to note the comment of the Commissioner for Transport that the management and maintenance responsibilities of the vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comment of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant may need to extend his/her inside services to the nearest suitable government water mains for connecting fresh water supply to the development. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to the WSD's standards; and
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
- (i) the proposed toilet should be moved away from the streamcourse; and
 - (ii) the pot planting is not acceptable and at-grade planting is preferred.”

[The Chairman thanked Mrs Alice K.F. Mak, STP/SKIs, for her attendance to answer Members' enquires. Mrs Mak left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr C.K. Soh, District Planning Officer/Shah Tin, Tai Po and North (DPO/STN), and Mr Anthony K.O. Luk, Senior Town Planner/Shah Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

Agenda Item 6

Proposed Amendments to the
Approved Ma On Shan Outline Zoning Plan No. S/MOS/18
(RNTPC Paper No. 1/14)

Presentation and Question Sessions

14. The Secretary reported that this item involved proposed amendments to the Ma On Shan Outline Zoning Plan for a proposed Public Rental Housing (PRH) development and a proposed Home Ownership Scheme (HOS) development by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

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| Mr K.K. Ling
(Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee (SPC) and the Building Committee (BC) of HKHA |
| Ms Anita K.F. Lam
as the Assistant Director of Lands Department | - being an assistant to the Director of Lands who is a member of HKHA |

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| Mr Frankie W.P. Chou
as the Assistant Director of
Home Affairs Department | - being a Chief Engineer of the Home
Affairs Department, which Director is a
member of the SPC and Subsidised
Housing Committee of HKHA |
| Professor Edwin H.W. Chan | - being a member of HKHA and the BC
of HKHA |
| Ms Janice W.M. Lai | - had current business dealings with
HKHA |
| Mr H.F. Leung | - had current business dealings with HD |

15. The Committee noted that Mr Frankie W.P. Chou had tendered apologies for being unable to attend the meeting. As the interests of Mr K.K. Ling (the Chairman), Ms Anita K.F. Lam, Professor Edwin H.W. Chan, Ms Janice W.M. Lai and Mr H.F. Leung were direct, the Committee agreed that they should leave the meeting temporarily for this item. As the Chairman had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman chaired the meeting at this point.

[Mr K.K. Ling, Ms Anita K.F. Lam, Professor Edwin H.W. Chan, Ms Janice W.M. Lai and Mr H.F. Leung left the meeting temporarily at this point.]

[Dr C.P. Lau arrived to join the meeting at this point.]

16. With the aid of a Powerpoint presentation, Mr Anthony K.O. Luk, STP/STN, presented the proposed amendments as detailed in the Paper and covered the following main points:

- (a) the proposed amendments were mainly related to the rezoning of a site to the east of Yan On Estate for public rental housing (PRH) development (Amendment Item A), rezoning of a site to the east of Ma On Shan Road for Home Ownership Scheme (HOS) development (Amendment Item B),

and rezoning of a site at Lok Wo Sha Lane for private housing development (Amendment Item C);

Proposed PRH site at Hang Tai Road (Amendment Item A)

The site and its surroundings

- (b) the proposed PRH site comprised the existing Yan On Estate, a section of Hang Tai Road and part of a “Government, Institution or Community” (“G/IC”) site;
- (c) the “G/IC” site was originally reserved for the development of Government offices and public car park. The Government Property Agency and Transport Department had confirmed that the site was no longer required for the original uses and could be released for housing development;
- (d) the “G/IC” site was currently occupied by temporary uses by Government departments. To the north of the proposed PRH site were MTR Ma On Shan Line Heng On Station as well as PRH and HOS developments. To the west were medium-density private residential developments as well as temporary fee-paying public car parks. To the east were a liquefied petroleum gas (LPG)/petrol filling station, an electricity substation and a sewage pumping station. To the south across Ma On Shan Road were “Green Belt” (“GB”) zone and the proposed HOS site (Amendment Item B);
- (e) as the “G/IC” site was adjacent to the existing Yan On Estate, it could be developed as an extension of Yan On Estate for PRH development. To facilitate better integration with the existing Yan On Estate, the Housing Department (HD) proposed to realign a section of Hang Tai Road to the east to form a larger site for PRH development;

Proposed Amendments to the OZP

Amendment Item A1 (about 3.69 ha)

- (f) it was proposed to rezone Yan On Estate and its adjoining land from “Residential (Group B)2”, ‘Road’ and “G/IC” to “Residential (Group A)8” (“R(A)8”) for PRH development. The “R(A)8” zone would be subject to a maximum domestic plot ratio (PR) of 6, a maximum non-domestic PR of 0.5 and a maximum building height (BH) of 140mPD. It was expected that a total of about 1,600 additional PRH units could be provided with supporting retail and government, institution and community facilities;
- (g) the PRH site, with an area of 3.08 ha, comprised the existing Yan On Estate (Phase 1) and the proposed extension site (Phase 2). The entire PRH development would have a total of six blocks providing 4,187 flats (11,700 population). Three of the blocks were proposed at the extension site providing 1,600 flats. Those three housing blocks would have BHs ranging from 40 to 44 storeys (i.e. 129 to 140mPD) ascending from north to south. The maximum BH had taken into account the existing BH of Yan On Estate (120mPD) and the maximum BH for the proposed HOS site across Ma On Shan Road (122 to 137mPD) to form a stepped height profile descending from the inland to the waterfront. Building separations of 15m would be provided between the new PRH blocks;
- (h) the proposed PRH development would provide retail facilities (4,965m² of GFA) as well as community and welfare facilities including kindergarten, day care centre for the elderly, supported hostel for mentally handicapped persons, special child care centre and early education and training centre;

Amendment Item A2 (about 3.69 ha)

- (i) under Amendment Item A2 (about 0.84 ha), it was proposed to rezone the land to the east of Yan On Estate from “G/IC” to area shown as ‘Road’ to reflect the new alignment of Hang Tai Road;

Proposed HOS site along Ma On Shan Road (Amendment Item B)

The site and its surroundings

- (j) the proposed HOS site comprised of a “GB” site to the east of Ma On Shan Road. The site was formed and currently used as a temporary cycle park, community farm and archery field and temporary works area by the Highways Department. To its north was the proposed PRH site at Hang Tai Road (Amendment Item A). To the west were medium-density private residential developments and a HOS development. To the east was the major area of “GB” zone mostly wooded and further east was the Ma On Shan Country Park. To the south were village type developments and residential development;

Proposed Amendments to the OZP

Amendment Item B1 (about 1.89 ha)

- (k) it was proposed to rezone the land to the east of Ma On Shan Road from “GB” to “Residential (Group A)9” (R(A)9”) for HOS development, subject to a maximum domestic PR of 5.5 and a maximum non-domestic PR of 0.3 with a maximum BH of 140mPD. The site would provide about 1,700 HOS units accommodating 5,250 population;
- (l) the site, with an area of 1.86 ha, was elongated in configuration comprising the northern and southern portions. The site would be developed for six HOS blocks with BHs ranging from 39 to 43 storeys (i.e. 122 to 137mPD) descending from north to south. The maximum BH had taken into account the existing BH of the residential development at the waterfront (80 to 120mPD), the existing/proposed maximum BH for Yan On Estate and its extension (120 to 140mPD) and the mountain backdrop to form a stepped height profile descending from the inland to the waterfront. A large building gap of about 140m between northern and southern portions

as well as building separations of about 15m between the building blocks would minimise the impact to the wind environment of the surrounding area. Retail facilities having GFA of 100m² and other supporting facilities would be provided in the HOS;

Amendment Item B2 (about 0.12 ha)

- (m) a footbridge over Ma On Shan Road with allowance for retail facilities was proposed to facilitate better connection between the HOS site and the adjacent developments and the MTR Heng On Station to the north. The area across Ma On Shan Road was proposed to be rezoned from 'Road' to "OU" annotated "Pedestrian Link with Retail Facilities" subject to a maximum BH of 1 storey;
- (n) as the footbridge was located at the southern entrance of Ma On Shan and would be visually prominent, the footbridge would serve to signify a gateway into the new town subject to detailed design;

Amendment Item B3 (about 0.35 ha)

- (o) a slip road from Ma On Shan Road to the proposed HOS site was needed to improve traffic movement. As such, a strip of land abutting Ma On Shan Road was proposed to be rezoned from "GB" to an area shown as 'Road';

Proposed private housing development at Lok Wo Sha Lane (Amendment Item C)

The site and its surroundings

- (p) the proposed private housing site covered an "Open Space" ("O") site at Lok Wo Sha Lane near the eastern fringe of Ma On Shan. There was no development programme for the planned open space at the site and the provision of open space in Ma On Shan was generally sufficient to satisfy the planned population in accordance with the Hong Kong Planning Standards and Guidelines. The Director of Leisure and Cultural Services

had no in-principle objection to rezoning the site for residential use;

- (q) the site was currently vacant. To its immediate west was a reserved “G/IC” site. To its north and northeast across Lok Wo Sha Lane were various “G/IC” uses subject to BH restrictions of 32mPD and 42mPD. To its east was the low-density residential development of Symphony Bay subject to BH restrictions of 36mPD and 55mPD. To its further west was the medium-density residential and commercial development of Double Cove (subject to a BH restriction of 130mPD). To its southwest were the MTR Wu Kai Sha Station and the residential and commercial development of Lake Silver (subject to a BH restriction of 185mPD);
- (r) the site, which was about 250m away from the Ma On Shan Line Wu Kai Sha Station and within a neighbourhood of mixed residential and GIC uses, was considered suitable for residential development;

Proposed Amendments to the OZP

Amendment Item C (about 0.83 ha)

- (s) it was proposed to rezone the site from “O” to “Residential (Group B)5” for pure residential development with a maximum domestic PR of 3.6 and a maximum BH of 95mPD. The proposed private housing development would provide 422 flats. The existing cycle track, footpaths, subway and amenity area within the site would be preserved and excluded from the development site boundary;
- (t) having regard to the development intensity in the surrounding area (i.e. medium density developments to its west with PR of about 5 and low to medium density developments to its east with PR of 1 or 1.5), new policy initiative of increasing development density and other considerations, a PR of 3.6 was proposed for the residential development. Taking into account the site location in the transition area from high-rise developments at Lok Wo Sha (130mPD and 185mPD) to the low-rise developments at Cheung

Muk Tau (36mPD to 55mPD), a BH restriction of 95mPD (about 21 storeys) was proposed for the residential site to maintain the stepped height profile;

Technical Assessments

- (u) regarding the proposed PRH and HOS developments, HD had undertaken relevant technical assessments to ascertain that the proposed developments would not have adverse technical impacts. The Traffic Impact Assessment showed that with the implementation of traffic improvement works, the proposed PRH and HOS developments would not cause any significant traffic impact on the surrounding road network. The Air Ventilation Assessment (Expert Evaluation) (AVA(EE)) showed that the orientation of proposed PRH and HOS blocks together with the incorporation of design features were expected to minimise the impact to the wind environment. The visual appraisal (VA) indicated that the proposed BHs could blend in with the overall stepped height profile descending from the inland to the waterfront, and the proposed building gaps of at least 15m could facilitate visual and air permeability. The Quantitative Risk Assessment indicated that both the levels of individual and societal risks for the LPG station on the proposed PRH development were acceptable. The above assessments were considered acceptable by the concerned departments. Besides, the Director of Environmental Protection considered that an Environmental Assessment Study could be conducted at the detailed design stage;

- (v) regarding the proposed private housing development, the VA indicated that the proposed maximum BH of 95mPD could blend in with the overall setting and preserve the stepped height profile descending towards the waterfront. The proposed development would not have significant visual impact. Besides, the AVA(EE) conducted for the MOS OZP in 2009 showed that the site was not located within air paths, and no major air ventilation problem was anticipated;

- (w) the proposed developments would not have adverse impact on the provision of government, institution and community facilities and open space within the OZP planning scheme area. While there was a shortfall of the planned provision of primary school classrooms by 158 classrooms in the planning scheme area, the Planning Department (PlanD) would further explore with the Secretary for Education if the shortfall could be addressed by the provision in the adjoining area or a new site should be reserved;

Consultation

- (x) concerned Government bureaux/departments had no objection to or no adverse comment on the proposed amendments;
- (y) the Sha Tin District Council (STDC) generally accepted the proposed PRH and HOS developments when HD consulted STDC on 5.9.2013 and 31.10.2013. Nevertheless, STDC passed a motion requesting for the construction of a footbridge between Yan On Estate and the new shopping centre at Po Tai Street; developing the “G/IC” site next to the LPG station for open space use; and the provision of additional exits at MTR Tai Shui Hang Station and Heng On Station; and
- (z) regarding the proposed footbridge and additional exits, HD and the Transport Department would consider the proposals taking into account pedestrian demand. After re-alignment of Hang Tai Road, there would be two small “G/IC” land parcels and one of which was already proposed for basketball court. For the remaining portion, PlanD and HD would consider using the site for amenity use;
- (aa) the Notes of the OZP for the “R(A)” and “R(B)” zones would be amended to incorporate the proposed sub-areas with stipulation of PR and BH restrictions. The Notes for the “OU(Pedestrian Link with Retail Facilities)” zone would also be added. The Explanatory Statement (ES) of the OZP would be revised to take into account the proposed amendments and to reflect the latest status and planning circumstances of the OZP.

Opportunity was also taken to revise the description in the ES about the existing and newly added historic buildings;

- (bb) STDC (or its sub-committee) and Sha Tin Rural Committee (STRC) would be consulted again either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of STDC and STRC;

17. In response to a Member's question, Mr C.K. Soh said that the proposed retail facilities of 100m² in the HOS site were some kinds of convenient stores to be located at the ground level to serve the residents. For larger shopping facilities, future residents of the HOS development could go to the proposed shopping centre at Yan On Estate.

18. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Ma On Shan OZP No. S/MOS/18 and that the draft Ma On Shan OZP No. S/MOS/18A at Annex B of the Paper (to be renumbered to S/MOS/19 upon exhibition) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised ES at Annex D of the Paper for the draft Ma On Shan OZP No. S/MOS/18A as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and the revised ES would be published together with the OZP.

[The Chairman thanked Mr Anthony K.O. Luk, STP/STN, for his attendance to answer Members' enquires. Mr Luk left the meeting at this point.]

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

[Mr K.K. Ling, Ms Anita K.F. Lam, Professor Edwin H.W. Chan, Ms Janice W.M. Lai and Mr H.F. Leung returned to join the meeting at this point.]

Agenda Item 7

Proposed Amendments to the

Approved Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/11

(RNTPC Paper No. 2/14)

19. The Secretary reported that Dr W. K. Yau had declared an interest in this item as he owned a house and land in Cheung Shue Tan Tsuen near Pak Shek Kok. As the interest of Dr Yau was direct and substantial, the Committee agreed that Dr Yau should leave the meeting temporarily for this item.

[Dr W.K. Yau left the meeting temporarily at this point. Mr Lincoln L.H. Huang and Ms Christina M. Lee arrived to join the meeting at this point.]

20. With the aid of a Powerpoint presentation, Mr C.T. Lau, STP/STN, presented the proposed amendments as detailed in the Paper and covered the following main points:

Amendment Item A – Rezoning of a Site (about 8 ha) from “Other Specified Uses” annotated “Science Park” (“OU(SP)”) to “Residential (Group B)6” (“R(B)6”)

The site and its surroundings

- (a) The site was a piece of formed and vacant Government land with an area of about 8ha. To its northeast and northwest were mainly existing and planned residential developments, the Pak Shek Kok Promenade and a cycle track. Hong Kong Science Park (HKSP) was located to the southeast of the site. The Phases 1 and 2 of HKSP had been completed in 2004 and 2011 respectively. The Phase 3 development had commenced in 2011 and was scheduled for completion in stages in 2014 to 2016;
- (b) the site was originally reserved for the expansion of HKSP. HKSP was reviewing the development intensity of the existing Science Park to meet the longer term demand for research and development space. The site was

considered not required for the expansion of HKSP in the short to medium term and could be released for other uses like housing development;

Proposed Amendments to the OZP

- (c) it was proposed to rezone the site from “OU(SP)” to “R(B)6” for medium-density private residential development at a maximum plot ratio of 3.6. It was estimated that the site could provide a total GFA of about 288,000m², capable of providing about 3,380 housing units. A maximum building height (BH) of 65mPD was recommended taking account of the overall BH profile of the existing/planned developments in the vicinity;

Technical Assessment

- (d) the proposed “R(B)6” zone was comparable to the nearby residential developments, including the “R(B)” sites to the northeast and northwest subject to a maximum plot ratios (PRs) of 3 to 3.5 and BHs of 30m to 45m, as well as HKSP subject to a maximum BH of 40m. No significant visual impact was anticipated;
- (e) two 15m-wide non-building areas (NBAs) were proposed within the “R(B)6” site. The NBA at the northwestern part of the site would extend the existing NBA in the adjacent “R(B)4” site to Chong San Road. The other NBA at the southeastern part of the site would connect Chong San Road and the 25m-wide NBA at the adjacent “R(B)5” site. It was concluded in the Air Ventilation Assessment – Expert Evaluation that the proposed development was not expected to have significant impact to the wind environment of the surroundings with the implementation of the NBAs;
- (f) concerned government departments confirmed that the proposed residential developments would not cause any insurmountable problems on the environmental, transport, sewerage, drainage and water supplies aspects. The Environmental Protection Department and Transport Department

advised that the future developers should conduct traffic review, sewerage impact assessment, noise impact assessment and respective mitigation measures to ascertain that the capacity of the local infrastructure could accommodate the proposed development and satisfy the government's requirements;

Provision of Open Space and Government, Institution and Community (GIC) Facilities:

- (g) there was already sufficient existing and planned open space provision in the area to meet the requirements under the Hong Kong Planning Standards and Guidelines. Educational and community facilities which were in deficit (e.g. primary and secondary schools) could be provided in the nearby districts;

Amendment Item B (about 487m²)

- (h) it was proposed to rezone a site at Fo Yin Road occupied by an existing sewage pumping station of the Drainage Services Department from "OU(SP)" to "Government, Institution or Community" to reflect the as-built situation;

Minor Technical Amendments

- (i) minor technical amendments to rationalise zoning boundaries along Fo Chun Road to tally the alignment of the public road as requested by the Lands Department would also be incorporated but it would not form an amendment item;

Consultation

- (j) concerned Government bureaux/departments had no objection to or no adverse comment on the proposed amendments;

- (k) the Environment, Housing and Works Committee of Tai Po District Council (TPDC) was consulted on the proposed amendments on 13.2.2014. Members of TPDC generally supported the proposed amendments, in particular Item A to rezone the site reserved for Science Park expansion to residential development whilst some members were concerned on the public transport provision for the area;
- (l) the Notes of the OZP would be amended to incorporate the proposed “R(B)6” zone. The Explanatory Statement (ES) of the OZP would be revised, where appropriate, to take into account the proposed amendments. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP; and
- (m) TPDC (or its sub-committee) would be consulted again after the draft OZP was gazetted;

21. A Member said that as shown in the photomontages submitted, the proposed residential development at the site seemed to be quite dense and bulky. In response, Mr C.K. Soh said that given the elongated site configuration and long site frontage, two NBAs were proposed within the site to break down the site frontage. Besides, the site might be divided into several lots for land sale and thus building gaps would be available among the developments on the future lots. Furthermore, the future developments at the site would need to follow the Sustainable Building Design Guidelines. Given the above, wall-like buildings at the site could be avoided. The proposed buildings shown on the photomontages were for the purpose of visual appraisal only. The actual design of the proposed developments would be decided by the future developers.

22. In response to a Member’s question, Mr C.K. Soh said that the site was rezoned from “Recreation” (“REC”) to “OU(SP)” on the draft Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/10 since the planned sports facilities had been relocated to another “REC” site at Whitehead.

23. Some Members said that as the Hong Kong Science & Technology Parks

Corporation (HKSTPC) was still reviewing the future expansion plan of HKSP and the result had yet to be available, it was pre-mature to consider the rezoning of the site for residential use at this moment. Should the site be rezoned for residential use, in case there was a demand for land for hi-tech/creative industries in the longer term, no land would be available near HKSP to meet such demand. Besides, it was noted that the occupancy rate of HKSP was high and a large amount of investment had been made to create a critical mass of hi-tech industries at HKSP. It was doubtful if the site would not be required for HKSP expansion.

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

24. In response, Mr C.K. Soh said that HKSTPC was reviewing the development intensity of the existing HKSP (including the completed Phases 1 and 2 as well as Phase 3 which was under construction) to meet the demand for research and development space. The review was to identify opportunities and formulate schemes for redevelopment or increasing the development intensity of the existing HKSP so as to accommodate more floor space for research and development in future. Although the findings of the review had not been finalised, it was understood from HKSTPC that the site was not required for HKSP expansion in the short to medium term. In the meeting of Legislative Council Joint Panel on Development and Housing on 29 January 2014, the Government had confirmed that the site would not be required for the expansion of HKSP in the short to medium term, and it would be made available for housing development. With reference to para. 4.3 of the Paper, the Secretary supplemented that the Commerce and Economic Development Bureau had already confirmed that the site would not be required for the expansion of HKSP and could be released for other use. The review undertaken by HKSTPC was to identify opportunities for redevelopment or intensification within the existing HKSP. The Chairman said that it might be more cost-effective to expand within the existing HKSP.

25. Mr C.K. Soh further said that the Government had reserved land at other parts of Hong Kong for hi-tech/creative industries including the Kwu Tung North New Development Area and Lok Ma Chau Loop. The Innovation and Technology Commission would review the land supply for hi-tech/creative industries in Hong Kong comprehensively.

26. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Pak Shek Kok (East) OZP No. S/PSK/11 and that the draft Pak Shek Kok (East) OZP No. S/PSK/11B at Attachment II of the Paper (to be renumbered to S/PSK/12 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance; and
- (b) adopt the revised ES at Attachment IV of the Paper for the draft Pak Shek Kok (East) OZP No. S/PSK/11B as an expression of the planning intentions and objectives of the Board for various land use zonings of the OZP and the revised ES would be published together with the OZP.

[The Chairman thanked Mr C.K. Soh, DPO/STN, for his attendance to answer Members' enquires. Mr Soh left the meeting at this point.]

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

Agenda Item 8

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/521A)

27. The Secretary reported that the application had been deferred once. The applicant requested on 13.2.2014 for further deferment of the consideration of the application for two months to allow time for the applicant to revise the location of the septic tank so as to address the comments of the Environmental Protection Department.

28. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. A total of four months including the previous one were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/526 Proposed Columbarium Use at the Southern Part of 6/F of Lung Shan Temple (Relocation of 2,556 Existing Columbarium Niches from Various Parts of 3/F, 4/F and 5/F to the Southern Part of 6/F) in “Green Belt” Zone, Southern Part of 6/F of Lung Shan Temple at Lot 652 in D.D. 85, Lung Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/526)

Presentation and Question Sessions

29. The Secretary reported that the application was for relocation of the existing columbarium within Lung Shan Temple. Mr K.K. Ling (the Chairman) and Ms Anita K.F. Lam had declared interests in this item since the ashes of their relatives were deposited in the columbarium of Lung Shan Temple. As the interests of Mr Ling and Ms Lam were direct, the Committee agreed that Mr Ling and Ms Lam should leave the meeting temporarily for this item. As the Chairman had to withdraw from the meeting, the Committee agreed that the Vice-chairman should take over and chair the meeting for this item. The Vice-chairman

chaired the meeting at this point.

[Mr K.K. Ling and Ms Anita K.F. Lam left the meeting temporarily at this point.]

30. 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 columbarium use at the southern part of 6/F of Lung Shan Temple (the Temple) (relocation of 2,556 existing columbarium niches from various parts of 3/F, 4/F and 5/F to the southern part of 6/F);
- (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 periods, a total of 71 public comments were received. 57 of them from individuals, local residents and a North District Council member supported the application mainly on the following grounds:
 - (i) the re-arrangement of niches within the Temple could provide spacious and pleasant environment to the visitors;
 - (ii) the Temple provided proper columbarium management services. The enhancement of its internal circulation could result in better control of the pedestrian flow at various floors during Ching Ming and Chung Yeung Festivals; and
 - (iii) the Temple was situated in a remote location. The development would not cause any nuisance to the residents nearby;
- (e) District Officer (North) (DO(N)) had consulted the locals regarding the application. The North District Council member cum Indigenous

Inhabitants Representative (IIR) of Lung Yeuk Tau supported the application while the Chairman of the Fanling District Rural Committee (FDRC), another IIR of Lung Yeuk Tau and the IIR of Tsz Tong Tsuen raised objection to it on the grounds that the relocation of columbarium niches to 6/F was unreasonable and the subject premises were without valid planning permission; if the niches on the southern part of 6/F was legalised, it might cause confusion to the future niches' owners or government departments in monitoring the location of the legalised niches on 3/F, 4/F and 5/F; the applicant had not provided information on the future use of the vacated niche space; and any changes to the use of the existing temple premises were not supported before the settlement of the land tenancy disputes with the 'tso tong' of Lung Yeuk Tau Heung; 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. Regarding the public comments objecting to the application mainly on the ground of possible adverse impacts on the surrounding area, concerned government departments had not raised any objection or adverse comments. Besides, some adverse public comments were made on the misunderstanding that the applicant was proposed to increase the provision of columbarium niches within the Temple, instead of relocation and redistribution of the niches within its premises. With respect to the other local views relayed by DO/N on the need to obtain consent of the niches' owners before relocation and lack of information on the future use of the vacated niche space, it should be noted that the applicant had stated that the primary purpose of the proposal was to improve the internal spatial arrangement and visitor circulation and after the relocation, the original niches would either be covered by wall paintings for decoration or demolished to provide more circulation space. Out of the 2,556 affected niches, only about 202 were occupied and consent of 201 owners had been obtained. The remaining owner had agreed to move the niche if the Board approved the current application.

31. Members had no question on the application.

Deliberation Session

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

- “(a) the maximum number of niches within the application premises should not exceed 2,556;
- (b) the maximum number of niches within the Lung Shan Temple should not exceed 17,632;
- (c) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.8.2014;
- (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 21.8.2014; and
- (e) in relation to (d) above, the provision of water supplies for fire-fighting and fire service installations within 12 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2015.”

33. 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) to note the comments of the Commissioner for Transport that:
 - (i) the applicant should submit the proposed temporary traffic

arrangements (TTA) with traffic signal control during special festival and its shadow period to concerned departments including Police (RMO), Highways Department and District Officer/North and his Regional Office for comment and agreement prior to implementation; and

- (ii) all TTA should comply with the Code of Practice for the Lighting, Signing and Guarding of Road Works;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
- (i) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) before any new building or alterations and additions works are to be carried out on the site, the prior approval and consent of the 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). Detail consideration will be made at building plan submission stage;

- (ii) for UBW erected on the Lot, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO; and
- (iii) if the proposed use under application is subject to the issue of a licence, any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority."

[Mr K.K. Ling and Ms Anita K.F. Lam returned to join the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting]

Y/TP/19

Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/24 from "Green Belt" and "Government, Institution or Community" to "Residential (Group B) 8", Lots 1088 R.P., 1415, 1417 R.P., 1481 R.P., 1485 R.P., 1503, 1504 and 1509 in D.D. 11 and Adjoining Government Land, Pine Hill, Tai Po
(RNTPC Paper No. Y/TP/19)

34. The Secretary reported that the applicant, Honour More Limited, was related to Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd., Environ Hong Kong Ltd. and LWK & Partners (HK) Ltd. were the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with SHK, AECOM Asia

Co. Ltd. and Environ Hong Kong Ltd, and he was the director and shareholder of LWK & Partners (HK) Ltd.. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with SHK and AECOM Asia Co. Ltd.. The Committee noted that the applicant had requested for deferment of consideration of the application, and agreed that Mr Fu and Ms Lai could stay in the meeting but should refrain from participating in the discussion.

35. The Secretary continued to say that the applicant requested on 7.2.2014 for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment.

36. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. 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 11 to 13

Section 16 Applications

[Open Meeting]

A/NE-KLH/456 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 111 S.B ss.1 in D.D. 7, Tai Wo, Tai Po
(RNTPC Paper No. A/NE-KLH/456 to 458)

A/NE-KLH/457 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 111 S.B ss.4 in D.D. 7, Tai Wo, Tai Po
(RNTPC Paper No. A/NE-KLH/456 to 458)

A/NE-KLH/458 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 111 S.B ss.6 in D.D. 7, Tai Wo, Tai Po
(RNTPC Paper No. A/NE-KLH/456 to 458)

37. The Committee agreed that the requests for deferral of these three applications should be considered together since the reasons of deferment for these applications were the same and these applications were similar in nature (Small House) with the sites located in close proximity to one another.

38. The Secretary reported that the applicants requested on 17.2.2014 for deferment of the consideration of the application for two months in order to allow time to address the comments of the Environmental Protection Department. This was the first time that the applicants requested for deferment.

39. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicants that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special

circumstances.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/491 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 1323 S.B
ss.1 in D.D.8, Lam Tsuen San Tsuen, Tai Po

(RNTPC Paper No. A/NE-LT/491A)

Presentation and Question Sessions

40. The Committee noted that four replacement pages (i.e. pages 3 and 4 of the Paper, page 3 of Appendix III of the Paper, and Plan A-2 of the Paper) mainly to correct the information on similar applications were tabled at the meeting.

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - 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 the site had high potential for rehabilitation of agricultural activities;
- (d) during the first three weeks of the statutory publication periods, a total of 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 grounds of being not in line with the intention of the “Agriculture” (“AGR”) zone, degradation of farmland and lack of traffic or environmental impact assessments. The remaining 37 comments objected to the application mainly on the grounds that they had previously objected to the Small House applications at the site submitted to the Lands Department; there had been repeated Small House applications at the site; and the villagers had not been directly notified and consulted on the subject application. Some commenters also objected to the application as 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 “AGR” zone. DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities;
 - (ii) the application was a cross-village Small House application within the same Heung. According to the District Lands Officer/Tai Po’s records, the total number of outstanding Small House applications for Lam Tsuen San Tsuen was 29 while the 10-year Small House demand forecast for the same village was 65. Based on the latest estimate by the PlanD, about 2.92 ha (or equivalent to about 116 Small House sites) of land were available within the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen. Therefore, there was sufficient land available to meet the future Small House demand;
 - (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 was not in line with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories as there was no general shortage of land in meeting the future demand for Small House development in the “V” zone of Lam Tsuen San Tsuen;

- (iv) among the similar applications in the vicinity of the site in the same “AGR” zone, five of 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 was within the “V” zone; and either there was previous planning approval granted at the site or the developments were regarded as in-fill development. Although the current application had 84% of its Small House footprint within the “V” zone, as there was no existing Small House development adjoining the site and the site was about 60m from the village cluster of Lam Tsuen San Tsuen, it could not be considered as in-fill development. Based on the latest estimate, there was still surplus of land in the “V” zone for Small House development in the short to medium term. In view of the above, the current application did not warrant the same sympathetic consideration as the approved cases; and
- (v) there were public comments objecting to the application mainly on environmental and traffic grounds.

42. Members had no question on the application.

Deliberation Session

43. 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 Lam Tsuen San Tsuen; and
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen 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.”

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/499 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 739 S.E
ss.1 in D.D. 10, Ng Tung Chai, Tai Po
(RNTPC Paper No. A/NE-LT/499)

Presentation and Question Sessions

44. 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 itself had high potential for rehabilitation of agricultural activities;
- (d) during the first three weeks of the statutory publication periods, three comments were received from Designing Hong Kong Limited (DHKL), the Hong Kong Bird Watching Society (HKBWS) and a group of members of the public. DHKL and HKBWS objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone, there were active farmland in the vicinity, no impact assessment on traffic and environment had been conducted, and the approval of the application would set up an undesirable precedent. The group of members of the public objected to the application for the reason that the applicant had objected to a Small House application in the vicinity. 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. Regarding the DAFC’s objection, it was noted that the site was currently used as private garden with shrubs and pot plants. The proposed Small House would not be incompatible with the surrounding village houses and temporary structures. Regarding the three public comments objecting the application mainly on environmental and traffic grounds, relevant Government departments including the Director of Environmental

Protection and the Commissioner for Transport had no adverse comment on the application. Relevant approval conditions and advisory clauses had been recommended to minimise the potential adverse impacts of the proposed development on the surrounding area.

45. In response to the Chairman's question, Mr C.T. Lau said that according to the District Lands Officer/Tai Po's records, the total number of outstanding Small House applications for Ng Tung Chai was 12 while the 10-year Small House demand forecast for the same village was 99. It was estimated that about 2.23ha (or equivalent to about 89 Small House sites) of land were available within the "Village Type Development" zone of Ng Tung Chai. As such, the land available could not fully meet the future Small House demand (i.e about 2.78 ha of land which was equivalent to about 111 Small House sites).

Deliberation Session

46. 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 21.2.2018, 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 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 adequate 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.”

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

- “(a) to note the comments of the Director of Environmental Protection (DEP) that the septic tank and soakaway system should be constructed within the “Village Type Development” (“V”) zone and in compliance with the ProPECC 5/93 and the Water Pollution Control Ordinance; the proposed house shall be connected to the future public sewer connection works; and adequate land will be reserved for the future sewer connection works;

- (b) 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 connections in the vicinity of the application site. Any proposed drainage works, whether within or outside the site 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 village sewerage works in Ng Tung Chai will be carried out under the project 4332DS, ‘Lam Tsuen Valley Sewerage – Stage 2’. The works of the project started in 2012 for completion in end 2016 tentatively subject to the land acquisition progress. Public sewers will be laid to the locations near to the proposed development under the DSD’s current project scheme. The applicant could extend his sewer to the nearest connection point of the proposed sewerage system by himself via other private/government land if he would like to discharge his sewerage into the planned public sewerage system subject to the site situation. The above information is preliminary and will be subject to revision to suit the actual site situation;

- (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 the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that 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 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 watercourses 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; the proposed septic tank and soakaway system shall be located within the "V" zone; for provision of the water supply to the development, the applicant may need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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 the WSD's standards;

- (e) 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
- (f) 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 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/500 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lots 1211 S.A and 1211 S.B RP in D.D.19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/500)

Presentation and Question Sessions

48. Mr C.T. Lau, STP/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – 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 itself had high potential for rehabilitation of agricultural activities;
- (d) during the first three weeks of the statutory publication period, six public comments from Designing Hong Kong Limited (DHKL), the Hong Kong Bird Watching Society (HKBWS) and indigenous villagers and Indigenous Inhabitation Representatives (IIR) of San Tong were received. DHKL and HKBWS objected to the application mainly on the grounds that the development was not in line with the planning intention and would cause degradation of farmland and no traffic and environmental impact assessments were submitted. The remaining four comments objected to the application mainly on the grounds that they had previously objected to Small House applications at the site and Small House applications were rejected; there had been repeated Small House application at the site; the villagers had not been directly notified and consulted on the subject application; and there would be adverse impact on ‘fung shui’. No local objection/view was received by the District Officer (Tai Po);
- (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 there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities;

- (ii) the application was a cross-village Small House application within the same Heung. According to the District Lands Officer/Tai Po’s records, the total number of outstanding Small House applications for Lam Tsuen San Tsuen was 29 while the 10-year Small House demand forecast for the same village was 65. Based on the latest estimate by the PlanD, about 2.92 ha (or equivalent to about 116 Small House sites) of land were available within the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen. Therefore, there was sufficient land available to meet the future Small House demand;
- (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 for consideration of application for NTEH/Small House in the New Territories as there was no general shortage of land in meeting the future demand for Small House development in the “V” zone of Lam Tsuen San Tsuen;
- (iv) among the similar applications in the vicinity of the site in the same “AGR” zone, five of 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 was within the “V” zone; and either there was previous planning approval granted at the site or the developments were regarded as in-fill development. Although the current application had 81% of its Small House footprint within the “V” zone, as there was no existing Small House development adjoining the site and the site was about 40m from the village cluster

of Lam Tsuen San Tsuen, it could not be considered as in-fill development. Based on the latest estimate, there was still surplus of land in the “V” zone for Small House development in the short to medium term. In view of the above, the current application did not warrant the same sympathetic consideration as the approved cases; and

- (v) there were public comments objecting to the application mainly on traffic and environmental grounds.

49. Members had no question on the application.

Deliberation Session

50. 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 Lam Tsuen San Tsuen; and
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen 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 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/497 Proposed House (New Territories Exempted House - Small House) and Site Formation in “Green Belt” and “Village Type Development” Zones, Lots No. 413 S.D ss.2 and 413 S.D RP in D.D.26, Shuen Wan Chan Uk, Tai Po
(RNTPC Paper No. A/NE-TK/497)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House) and site formation;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV 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, three public comments were received from a member of the public, Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. The commenters objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and would have adverse ecological and

landscape impacts on the surrounding areas; no environmental and traffic impact assessments had been carried out; and no public gain as well as setting undesirable precedent for other similar applications which would further destroy the natural environment. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comments against the proposed development, it was noted that the proposed Small House development was generally in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell entirely within the village 'environs' and there was a general shortage of land in meeting the demand for Small House development in the "V" zone of Shuen Wan Chan Uk. The proposed Small House was not expected to have adverse sewerage, landscape and geotechnical impacts on the surrounding areas thus also complied with the Town Planning Board Guidelines No. 10 for 'Application for Development within "GB" zone under section 16 of the Town Planning Ordinance'. The concerned Government departments had no objection to the application. Relevant approval conditions and advisory clauses had also been recommended to address the landscape and drainage concerns.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the District Lands Officer/Tai Po that if and after planning approval is given by the Committee, his office will process the Small House application. If the Small House application is approved by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the emergency vehicular access thereto;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant 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 shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (c) 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 the 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 the WSD's standards;

- (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 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 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/835 Proposed Temporary Place of Recreation, Sports or Culture (Fitness, Dance and Thai-Boxing Centre) for a Period of 5 Years in "Industrial" Zone, Unit A, G/F, Unison Industrial Centre, 27-31 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/835)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed temporary place of recreation, sports or culture (fitness, dance and Thai-boxing centre);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) did not support the application from the fire safety point of view with reference to paragraph 7.2 of the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D) in that the proposed use would attract visiting members of the general public to stay for long periods of time, and the visitors would be exposed to risks which they would neither be aware of nor be prepared to face;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the owner’s corporation of Unison Industrial Centre expressing support to the application on the grounds that the application premises was left vacant for years, the subject premises were not appropriate to be operated as a retail shop or eating place due to limited pedestrian flow, and the public would benefit from the fitness centre. No local objection/view was received by the District Officer (Sha Tin); 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 fitness, dance and Thai-boxing centre was considered not compatible with the existing uses in the subject industrial building and the surrounding developments. Besides, the applicant had not demonstrated there was no suitable alternative accommodation in the commercial development in the vicinity (e.g. Shatin Galleria which was zoned “Commercial”). In addition, the proposed development was not in line with TPB PG-No. 25D in that D of FS did not satisfy with the risks likely to arise or increase from the proposed fitness, dance and Thai-boxing centre as the use would attract visiting members of the general public to stay for long periods of time. These people, who were not familiar with the building, could be exposed to risk associated with the existing industrial activities which they would neither be aware of nor be prepared to face.

In this connection, D of FS objected to the application from the fire safety point of view. The supporting grounds of the public comment received could not justify the proposed use given the fire safety consideration.

56. Noting that there was an existing bicycle shop within the application premises, a Member asked why D of FS would have different views on the proposed 'Place of Recreation, Sports or Culture' and the existing bicycle shop (as a kind of 'Shop and Services') at the subject industrial building. In response, Mr Anthony K.O. Luk said that D of FS had objected to the proposed 'Place of Recreation, Sports or Culture' since the use would attract visiting members of the general public to stay for long periods of time and the visitors would be exposed to risks which they would neither be aware of nor be prepared to face. For 'Shop and Services' use which was regarded as a commercial use in industrial buildings within "I" zone, D of FS would consider such case according to TPB PG-No. 25D.

Deliberation Session

57. In response to a Member's question, the Secretary said that according to TPB PG-No. 25D, D of FS should be satisfied on the risks likely to arise or increase from a proposed commercial use in an industrial/industrial-office building. Owing to fire safety concern, the aggregate commercial floor areas on the ground floor of the existing industrial/industrial-office building with and without sprinkler systems should as a general principle not exceed 460m² and 230m² respectively.

58. The Secretary further said that the existing bicycle shop at the ground floor of the subject industrial building within "I" zone would require planning permission from the Town Planning Board unless it was regarded as 'Motor-vehicle Showroom or Service Trades' which was always permitted at the ground floor of the industrial building. Mr Anthony Luk said that the existing bicycle shop was not covered by any planning permission.

59. In response to a Member's question, Mr Anthony K.O. Luk said that as the applied use was 'Place of Recreation, Sports or Culture', the aggregate commercial floor area of 230m² and 460m² on the ground floor of the existing industrial/industrial-office building would not be applicable.

60. 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 compatible with the existing uses in the subject industrial building which is predominately industrial in character;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 25D in that the Director of Fire Services does not satisfy on the risks likely to arise or increase from the proposed use under application. The proposed development is considered unacceptable from the fire safety point of view; and
- (c) the approval of the application would set an undesirable precedent for other similar applications for ‘place of recreation, sports or culture’ use within industrial buildings which is unacceptable from the fire safety point of view.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/837 Shop and Services (Selling and Maintenance of Bicycles) in
 “Industrial” Zone, Unit C, G/F, Meeco Industrial Building, 53-55 Au
 Pui Wan Street, Fo Tan, Sha Tin
 (RNTPC Paper No. A/ST/837)

Presentation and Question Sessions

61. 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 (selling and maintenance of bicycles);
- (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 as detailed 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.

62. Members had no question on the application.

Deliberation Session

63. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2014; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

64. 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 of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be 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) 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:
 - (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the

requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and

- (g) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/838 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land to the west of Lot 787 in D.D.
171, Ma Liu Village, Sha Tin
(RNTPC Paper No. A/ST/838)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed Small House site was close to the existing woodland which might be affected by site formation work. The cumulative effect of approving such proposals

would result in a general degradation of the environment in the area;

- (d) during the first three weeks of the statutory publication period, three public comments were received from the Kadoorie Farm & Botanic Garden Corporation (KFBG), Designing Hong Kong Limited (DHKL) and the Chairman of Sha Tin Rural Committee. Their grounds were summarised as follows:
 - (i) KFBG objected to the application on the grounds that the proposed house development was not in line with the planning intention of “Green Belt” (“GB”) zone which was for conservation and served as a buffer between urban setting and natural landscape. The application site was in a greenery setting and the woodland was ecologically linked with the Tai Po Kau Nature Reserve. They were concerned about the ecological impact brought about by the construction and operation of the small house;
 - (ii) DHKL objected to the application due to the incompatibility of the proposed development with the planning intention and character of the area. The approval of this case would set an undesirable precedent for similar applications which would further degrade the environment. No technical assessments had been provided to ensure that the Small House would not impact on the valuable environment; and
 - (iii) the Chairman of Sha Tin Rural Committee supported the application as there was not enough land for Small House development in Ma Liu Village to meet the housing demand. It was reasonable to give support and assistance to the applicant and he wished the Town Planning Board to grant approval to the application;
- (e) no local objection/view was received by the District Officer (Sha Tin); and
- (f) the PlanD’s views – PlanD had no objection to the application based on the

assessments as detailed in paragraph 12 of the Paper. While CTP/UD&L, PlanD had concerns over the site formation works and had reservation from landscape planning perspective, no significant landscape resources were identified and extensive site formation works were not anticipated. In this regard, the Head of Geotechnical Engineering Office, Civil Engineering and Development Department had no adverse comment on the application. Regarding the two public comments against the proposed development, the relevant Government departments including the Agriculture, Fisheries and Conservation Department, Environmental Protection Department and Transport Department had no objection to or no adverse comments on the application.

66. Members had no question on the application.

Deliberation Session

67. 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 21.2.2018, 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.

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

- “(a) to note the comments of the District Lands Office/Shau Tin, Lands Department (LandsD) that the approval to Small House grant by LandsD is not automatic even though s.16 approval from the TPB has been obtained. The grant is subject to all criteria being met and all relevant factors being considered;
- (b) to note that comments of the Chief Engineer/Mainland North, Drainage Services Department that the public sewerage system at Ma Liu Village is planned to be implemented under Drainage Services Department’s project – Tolo Harbour Sewerage of Unsewered Areas Stage 2. Upon

completion of the public sewerage system at Ma Liu Village, Environmental Protection Department may require the owner to make proper sewer connection from his premises into the public sewer at their own cost. The connection of public sewer would be subject to site constraints and prevailing site conditions when the sewerage infrastructure at Ma Niu was completed. There is no guarantee that public sewerage system can be provided to the concerned small house;

- (c) to note 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 LandsD. Detailed fire safety requirements will be formulated by the Fire Services Department upon formal referral from LandsD;
- (d) to note the comments of the District Officer (Sha Tin) that the applicant is reminded to make necessary submission to the District Lands Office to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption is not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (e) the applicant should implement preventive measures to avoid causing disturbance to the seasonal stream nearby.”

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

Fanling, Sheung Shui and Yuen Long East District

[Ms Wendy W.L. Li, Mr Ernest C.M. Fung and Mr C.K. Tsang, Senior Town Planners/ Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 21

Section 16A Application

[Open Meeting (Presentation and Question Sessions only)]

A/NE-KTS/282-1 Extension of Time for Commencement of the Approved Social Welfare Facility (Drug Rehabilitation and Recreation Centre) for a Period of 2 Years until 5.3.2016 in “Green Belt” Zone, 48 Ki Lun Village, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/282-1)

Presentation and Question Sessions

69. Ms Wendy W.L. Li, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed extension of time for commencement of the approved social welfare facility (drug rehabilitation and recreation centre) for a period of two years until 5.3.2016;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the local objections raised by the concerned locals, including

objections from the Chairman of Sheung Shui District Rural Committee, the concerned North District Council member and the New Territories Kwu Tung Kei Lun Village Neighbourhood Welfare Association against the Application No. A/NE-KTS/282 on the grounds of public order, noise nuisance, traffic and possible impacts to the youngsters of the local villages were still valid for the current application for extension of time for commencement;

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for extension of time for commencement of the approved development for a period of two years until 5.3.2016 based on the assessments made in paragraph 8 of the Paper. The local objections as conveyed by DO(N), HAD on the grounds of public order, noise nuisance, traffic and possible impacts to the youngsters of the local villages had been considered by the Committee in granting the current planning permission under Application No. A/NE-KTS/282. The application was approved on the grounds that the development under application was considered small in scale and there was no intensification of the use as compared with the existing drug rehabilitation and recreation centre on the site, and the impacts/disturbance to the locals would unlikely be significant. The centre had also been making efforts to liaise with the locals through providing a range of services and activities to gain better understanding on the centre's work. Concerned departments including the Commissioner of Police had no adverse comments on the application. To address local concerns, an advisory clause had been recommended to remind the applicant to further liaise with the local residents to address their concerns.

70. Members had no question on the application.

Deliberation Session

71. 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 5.3.2016, 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 design and implementation of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the submission and implementation of tree preservation and landscaping proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to liaise with the District Lands Officer/Yuen Long, Lands Department on modification of the Short Term Tenancy;
- (b) to apply to the Director of Social Welfare for a Certificate of Exemption for the drug rehabilitation and recreation centre;
- (c) to note the comments from the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) there is no record of approval by the Building Authority for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application;
 - (ii) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (iii) before any new building works (including containers/open sheds as

temporary buildings) are to be carried out on the site, prior approval and consent of the 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 BO;

- (iv) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (v) 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 Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
 - (vi) 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;
 - (vii) the sustainable building design requirements and pre-requisites under Practice Notes for Authorised Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP 151 and 152 for gross floor area concessions would be applicable to development in the site; and
 - (viii) detailed consideration will be made at the building plan submission stage;
- (d) to note the comments from the Director of Environmental Protection that proper on-site treatment facilities should be provided/implemented to handle the sewage and wastewater generated from the development

according to the ProPECC Practice Note on 'Drainage Plans subject to Comment by the Environmental Protection Department' (PN 5/93), and the discharge from such facilities should meet the requirements as stipulated in the Water Pollution Control Ordinance;

- (e) to note the comments from the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) the site is located within WSD flood pumping gathering ground; and
 - (ii) water mains in the vicinity of the site cannot provide the standard fire-fighting flow;
- (f) to note the comments of the Director of Fire Services that the applicant should observe the recommendations regarding the fire services installations proposal and Chapter 6 of the Code of Practice for Drug Dependent Persons Treatment and Rehabilitation Centre;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the provision of a 2m wide planting strip for landscape buffer along the existing road and softening the structure is strongly recommended to reduce the landscape impact on the existing green belt; and
- (h) to liaise with the local residents to address their concerns on the proposed development.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/232 Proposed Minor Relaxation of Plot Ratio from 0.4 to 0.932 for an Existing School (HKMLC Wong Chan Sook Ying Memorial School) in “Residential (Group C)” Zone, Lot 4739 in D.D. 104, Fairview Park, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/232)

Presentation and Question Sessions

73. Mr Ernest C.M. Fung, STP/FSYLE, 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 from 0.4 to 0.932 for an existing school (HKMLC Wong Chan Sook Ying Memorial School);
- (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 had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

74. Members had no question on the application.

Deliberation Session

75. 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 21.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of water supply for fire fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) 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. The arrangement of emergency vehicular access shall comply with the ‘Code of Practice for Fire Safety in Buildings 2011’ which is administered by the Buildings Department;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. The new sustainable built environment requirements (including the requirements of building separation, building set back and greenery) and the new gross floor area concession policy may be applicable to this development. Detailed checking will be made at the building plan submission stage;
- (c) 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 natural streams, village drains, ditches

and the adjacent areas, etc. The applicant should consult the District Lands Officer/Yuen Long 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; and

- (d) 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. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 23

Section 16 Application

[Open Meeting]

A/YL-NTM/297 Social Welfare Facility (Private Residential Care Home for Persons with Disabilities and Ancillary Staff Quarters) in "Village Type Development" Zone, Lots 1579 RP (Part), 1618 (Part), 1619 RP (Part), 1620 RP (Part) in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/297)

77. The Secretary reported that the applicant requested on 7.2.2014 for deferment of consideration of the application for 2 months so as to allow time for liaising with the Buildings Department and Lands Department regarding the nature of the existing structures within the site. This was the first time that the applicant requested for deferment.

78. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee consideration. 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/624 Proposed Filling of Pond and Land for Temporary Open Storage of Recycled Vehicles and Metal Scaffolding/Machinery for Construction for a Period of 3 Years in “Agriculture” Zone, Lot 403 RP in D.D. 103, Ko Po San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/624)

Presentation and Question Sessions

79. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed filling of pond and land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction for a period of three years;
- (c) departmental comments – departmental comments were set out in

paragraph 10 of the Paper, which were summarised as follows:

- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. By making reference to the aerial photos taken in 2011 and recent site photos taken in December 2013, the vegetation on the site was cleared and the size of the pond had been reduced by one-third. There were tree groups located to the northeast and west of the site. According to the proposed site formation plan, most of the vegetation would be removed and further adverse landscape impact was anticipated. Approval of the application would encourage similar practices in the “Agriculture” (“AGR”) zone, leading to further degradation of landscape quality in the area;
- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings within 100m of the site or within 50m of the access road to and from the site. As such, environmental nuisance was expected;
- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural and fish culture point of view. The site had high potential for agricultural rehabilitation. The eastern portion of the site had been filled with materials not suitable for cultivation while the remaining part consisted of a partially filled pond and abandoned agricultural land. Although the applicant stated that the pond might be reinstated after 3 years, it was doubtful whether the proposed open storage activities would cease. Even if the pond would be reinstated after the cessation of the proposed use, pollutants from the recycled vehicles might seep into the ground during operation of the activities and thus the ground soil of the pond might be contaminated. It was noticed that filling of pond and agricultural land had been conducted before

the application. It appeared that this was a “destroy first, build later” case, which was undesirable. In addition, the site was in proximity to the “Conservation Area” (“CA”) zone;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a Yuen Long District Councillor, the Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited. All the commenters objected to or express concerns on the application on the grounds that the development was not compatible with the planning intention of “AGR” zone and would cause adverse environmental, ecological and traffic impacts. There was already sufficient land for storage use to meet the demand and the proposed temporary development would be subject to renewal that would affect the agricultural land in long term. There was insufficient information to justify the proposed filling of pond and land. Besides, the supply of farmland or food supply for Hong Kong should be safeguarded and urban development on agricultural land should be avoided. No local objection/view was received by the District Officer (Yuen Long); 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) according to the recent site inspection, vegetation clearance and filling works on land and pond had apparently been carried out at the site. A portion of the site was subject to enforcement action against unauthorised filling of land. An Enforcement Notice had been issued requiring the notice recipient to discontinue the unauthorised filling of land. In this regard, the application should not be assessed based on the “destroyed” state of the site. Instead, the original state of the site of natural character with vegetation and trees should be taken into account;
 - (ii) the proposed filling of pond and land for temporary open storage of recycled vehicles and metal scaffolding/machinery for construction

was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from the agricultural and fish culture point of view as the site had high potential for agricultural rehabilitation. The pollutants generated by the proposed open storage use would also contaminate the ground soil of the pond even though the pond would be reinstated as proposed by the applicant. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis;

- (iii) the development was not compatible with the surrounding land uses which were rural in character predominated by residential dwellings/structures and a few warehouses/workshop and open storage/storage yards. Some of the surrounding open storage/storage yards, warehouses and workshop were suspected unauthorised development subject to enforcement action taken by the Planning Authority. Besides, there was an extensive area zoned “CA” to the further south and west of the site;

- (iv) the development was not in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there was no previous approval granted at the site for open storage use and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse comments on the application from the relevant departments and public objections were received during the statutory publication period. DEP did not support the application as there were existing residential dwellings/structures located to the immediate north and west and in the vicinity of the site, and environmental nuisance was expected;

- (v) from the landscape point of view, there was reservation on the development as approval of the application would encourage similar applications in the area resulting further degradation of the landscape quality in the area. Moreover, the proposed development would involve filling of pond and land but no information was submitted to demonstrate that the proposed development would not cause adverse drainage impact. The applicant failed to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas. Hence, the application did not warrant a sympathetic consideration;

- (vi) while similar applications were approved by the Committee or the Board on review in the same “AGR” zone, most of these applications fell within Category 2 areas and were surrounded by major highways/roads. Three of these approved applications were subject to previous approvals. As for the current application, it was located in an area predominantly rural in character and was not subject to previous approvals. The approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone which would remain relatively rural in character. The cumulative effect of approving such applications would result in general degradation of the rural environment of the area; and

- (vii) three public comments received opposed to the application mainly on environmental, ecological and traffic grounds.

80. Members had no question on the application.

Deliberation Session

81. Ms Anita K.F. Lam said that the site did not involve any Government land, and paragraphs 10.1.1(e) and 13.2(c) of the Paper should be revised to reflect the fact. Members noted the clarification.

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the TPB PG-No. 13E in that the development is not compatible with the surrounding land uses which are predominantly rural in character; there is no previous approval granted at the site; and there are adverse departmental comments and public objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/629 Proposed Temporary Training Centre for Construction Industry for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D.106, Yuen Kong Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/629)

Presentation and Question Sessions

83. The Secretary reported that Construction Industry Council (CIC) was the applicant. Mr Ivan C.S. FU had declared an interest in this item as he was a member of the Construction Workers Registration Board of CIC. Mr H.F. Leung had also declared an interest in this item as he was a member of a committee of CIC. As the interests of Mr Fu and Mr Leung were direct, the Committee agreed that they should leave the meeting temporarily for this item.

[Mr Ivan C.S Fu and Mr H.F. Leung left the meeting temporarily at this point.]

84. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary training centre for construction industry for a period of three 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 proposed temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

85. In response to the Chairman's question, Mr C.K. Tsang said that since the operation of the temporary training centre at the site in 2012, no complaint was received by the Environmental Protection Department and the Planning Department.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 5:00 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Saturdays (after 1:00 p.m.), Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no noisy activities such as drilling or ground breaking, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) the existing trees and landscape plantings on the application site shall be maintained at all times during the planning approval period;
- (e) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2014;
- (f) in relation to (e) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2014;
- (g) 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;
- (h) if any of the above planning conditions (e) or (f) 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

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

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

- “(a) shorter compliance periods are imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site has been let to the Construction Industry Council on short term tenancy basis (Short Term Tenancy No. 2588) for the purpose of the operation of a temporary training centre for construction industry with ancillary office(s). The tenancy conditions restrict, amongst others, the dimensions of the buildings on site and the total built-over area not exceeding 592.3m². The dimensions of the proposed structures and the proposed total floor area at 597.4m² of the current scheme exceed the limit permitted under the tenancy conditions of the Tenancy Agreement. If planning approval is given and the applicant intends to implement the scheme as currently proposed, the applicant has to apply to LandsD to amend the tenancy conditions of the Tenancy Agreement. However, there is no guarantee that the application 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, amongst others, the payment of rent and administrative fee as may be imposed by LandsD. The applicant is reminded to observe relevant tenancy conditions stipulated in the Tenancy Agreement. It is noted that access to the site requires traversing private land and Government land and

LandsD does not guarantee any right of way to the site.;

- (c) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Environmental Protection that appropriate pollution control measures should be adopted to minimise any potential environmental impacts during the minor renovation works of the vacant school. A full set of the “Recommended Pollution Control Clauses for Construction Contracts” is available at his departmental website. Moreover, the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are a number of very mature native trees within or adjacent to the site which are in fair to good conditions. The applicant should adopt necessary measures during construction/renovation and operation to preserve and maintain the trees;
- (f) 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 applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission

of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justifications to his department for consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority should be obtained, otherwise they are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. 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) at the building plan submission stage. Moreover, the site shall be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D;

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plan obtained, if there is any underground cable (and/or overhead line) within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection)

Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, Waterworks Reserve with 1.5m measuring from the centerline of the affected water mains shall be provided to WSD. No structure shall be erected over this Waterworks Reserve 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. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site; and

- (j) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road.”

[Mr Ivan C.S Fu and Mr H.F. Leung returned to join the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-PH/676 Temporary Open Storage of Construction Machinery and Second-Hand Vehicles for a Period of 3 Years in “Residential (Group D)” Zone, Lot 2899 in D.D.111, Wing Ning Lei, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/676A)

88. The Secretary reported that the application had been deferred once for two months. The applicant requested on 7.2.2014 for deferment of the consideration of the application for another two months to allow time for the applicant to address the concerns of the Fire Services Department, Drainage Services Department and Urban Design & Landscape Section of the Planning Department. In view of the concerns raised by respective departments, the applicant had engaged contractors/consultants to prepare proposals in relation to fire service installations works, landscape and tree preservation and drainage aspects.

89. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. A total of four months including the previous one 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 27

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/679A)

90. The Secretary reported that Lanbase Surveyors Ltd. was the consultant of the applicant. Ms Anita K.F. Lam, the Assistant Director of Lands, had declared an interest in this item as she had current private business dealings with Lanbase Surveyors Ltd.. The Committee noted that the applicant had requested for deferment of consideration of the

application and Ms Lam had no involvement in this application. The Committee agreed that Ms Lam could stay in the meeting.

91. The Secretary continued to say that the application had been deferred once for two months. The applicant requested on 21.1.2014 for deferment of consideration of the application for another two months to allow time for the applicant to prepare the tree preservation and landscape proposal and to review the master layout plan and development proposal.

92. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. A total of four months including the previous one 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 Ms Wendy W.L. Li, Mr Ernest C.M. Fung and Mr C.K. Tsang, STPs/FSYLE, for their attendance to answer Members' enquires. Ms Li, Mr Fung and Mr Tsang left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/881 Proposed Temporary Warehouse for Storage of Machinery, Spare Parts and Construction Material with Ancillary Office and Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 57 (Part), 60 (Part), 61 (Part), 62, 63 (Part), 64, 65, 66 (Part) & 67 (Part) in D.D. 125 and Lots 3222 (Part), 3226 (Part), 3227 (Part), 3228, 3229 (Part), 3231 (Part), 3232 (Part), 3234 (Part) & 3235 (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/881)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of machinery, spare parts and construction material with ancillary office and parking of vehicle for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users within 100m and along the access road (Ping Ha Road) and environmental nuisance was expected. However, no pollution complaint pertaining to the site had been received in the past 3 years;
- (d) during the first three weeks of the statutory publication period, four public comments objecting the application were received, including three

comments submitted by 16 residents of Fung Kong Tsuen and one comment from Designing Hong Kong Limited. The residents of Fung Kong Tsuen objected to the application mainly on the grounds that the applied use was not in line with the planning intention and the approval of the application would reduce the buffer area between the open storage uses and the village, affect the implementation of the Hung Shui Kiu New Development Area Project, adversely affect road safety of the users of Fung Kong Tsuen Road and generate adverse drainage and traffic impacts to the village and surrounding areas. The Designing Hong Kong Limited objected to the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which was intended for residential uses. The approval of the application would limit the opportunity for putting the site for better use and ample sites had already been approved to satisfy the current and future demand. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and no workshop activities on-site 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.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (e) the implementation and maintenance 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 21.8.2014;
- (f) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.8.2014;
- (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 21.8.2014;
- (h) in relation to (g) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2014;

- (i) the provision of fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.8.2014;
- (j) if any of the above planning conditions (a), (b), (c) or (d) 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;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site and the nearby lots;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land comprises Old Scheduled Agricultural Lots held under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. No permission has been given to the proposed structures as “warehouses, site office and toilet” specified in the Application Form. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 80m² subject to verification) included into the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Ping Ha Road mainly via private lots and a short stretch of GL. Access to the site also requires traversing through Government Land Allocation No. TYL-825 granted to Chief Engineer/Land Works,

Civil Engineering and Development Department (CE/LW, CEDD) for “Ping Ha Road Improvement – Remaining Works”. CE/LW, CEDD should be consulted for any interface problem. Moreover, his office does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. Should the application be approved, the lot owner(s) would need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD. Furthermore, it is advised to avoid erecting structures on GL as occupation of GL without Government’s permission is not encouraged and short-term tenancy applications with unauthorised structures will generally be rejected;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches, and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from them or from relevant private land owners from any works to be carried out outside the lot boundary before commencement of the drainage works;
- (d) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site. It is noted that the local track leading to the site is not under the Transport Department’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track

should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;

- (g) to note the detailed comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are 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, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the applied use. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Hoses), 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 shelters as temporary building) 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 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 site under the BO. The site shall be provided with means of obtaining access 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.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/202 Eating Place in “Other Specified Uses” annotated “Public Car Park to Include Retail and Residential Uses” Zone, Shop No. 3, G/F, Springdale Villas Shopping Mall, Springdale Villas, 80 Ma Tin Road, Yuen Long
(RNTPC Paper No. A/YL/202)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the eating place under application;
- (c) departmental comments – departmental comments were set out in paragraph 8 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 had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

98. Members had no question on the application.

Deliberation Session

99. 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 21.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the premises;
- (b) to note the comments of the District Lands Officer/Yuen Long that the proposed eating place in the premises does not comply with the lease conditions. Any irregularities on site will be subject to lease enforcement action. If planning approval is given, the owner of the premises has to apply to Lands Department (LandsD) for a temporary waiver to permit the proposed use. However, there is no guarantee that the temporary waiver

application 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 waiver fee and administrative fee as may be imposed by LandsD;

- (c) 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 or referral from licensing authority;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all building safety requirements imposed under the General Restaurant Licence should be fulfilled; and
- (e) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that food business carrying on at the premises should be granted with a licence issued by DFEH.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/320 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, G/F of House No. 20 (Lots TTL5 & TTL99 in D.D. 117) and Adjoining Government Land, Tai Tong Village, Yuen Long
(RNTPC Paper No. A/YL-TT/320)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – 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 proposed temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

102. Members had no question on the application.

Deliberation Session

103. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.2.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.8.2014;
- (c) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 21.8.2014;

- (d) in relation to (c) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.11.2014;
- (e) 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
- (f) if any of the above planning conditions (b), (c) or (d) 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.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no permission has been given for the occupation of Government land (GL) for the single-storey structure for conference room use for the proposed shop and services within the site. Should approval be given to the application, the applicant has to either exclude GL portion from the site or apply for a formal approval prior to the actual occupation of the Government land portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on GL and other private land extended from Tai Tong Road. His office does not provide maintenance works on this track nor guarantees right-of-way;

- (c) to adopt the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (d) 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. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his department for consideration. 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;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including containers/open sheds 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 co-ordinator for the proposed building works in accordance of 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 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/666 Temporary Warehouse and Open Storage of Exhibition Materials for a Period of 3 Years in “Undetermined” zone, Lot 1263 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/666)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse and open storage of exhibition materials for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. To address the DEP’s concerns, approval conditions restricting the operations hours, prohibiting the use of medium and heavy goods vehicles (including

container trailer/tractor), prohibiting the carrying out of workshop activities, restricting the stacking height of materials stored on-site and maintenance of the boundary fencing were recommended. Any non-compliance with the 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 “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.2.2017, 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 operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no repairing, dismantling, spraying, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (e) the stacking height of materials stored within the site should not exceed the height of the boundary fence, as proposed by the applicant, at any time

during the planning approval period;

- (f) the existing fencing on the site should be maintained at all times during the planning approval period;
- (g) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.8.2014;
- (j) the implementation of the accepted 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 21.8.2014;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.4.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2014;
- (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 21.11.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

- (o) if any of the above planning conditions (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) 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, Lands Department (LandsD) that no approval has been given for the additional built-over area (about 48m²) within Lot 1263 (Part) in D.D. 119 and the additional Government land (GL) (about 27m²) as specified in the application. The lot owner concerned will still need to apply to his office to permit structures to be erected or regularise any irregularities on-site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible to Kung Um Road through an informal village track on GL and other private land. His office provides no maintenance works for this track nor guarantees right-of-way;

- (d) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles. 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 that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His Department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure the proposed development would not affect the stream course in vicinity of the site;
- (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 is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage in Appendix V of this RNTPC Paper should also 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. The applicant is also reminded that if the proposed

structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire 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 (not being New Territories Exempted Houses), 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 containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of 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 m 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, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and

above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 32

Section 12A Application

[Open Meeting]

Y/TM/10 Application for Amendment to the Draft Tuen Mun Outline Zoning Plan No. S/TM/30 from “Government, Institution or Community” to “Residential (Group A)”, Lots 1123 (Part), 1124 (Part), 1125 (Part), 1126 (Part), 1136 (Part), 1138 RP (Part) and 1139 RP (Part) in D.D. 132 and Adjoining Government Land, Tuen Mun
(RNTPC Paper No. Y/TM/10C)

109. The Secretary reported that the applicants, Pacific Good Investment Ltd. and Main Channel Ltd., were related to Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Co. Ltd., Environ Hong Kong Ltd. and Urbis Ltd. were the consultants of the applicants. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with SHK, AECOM Asia Co. Ltd., Environ Hong Kong Ltd. and Urbis Ltd.. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with SHK, AECOM Asia Co Ltd. and Urbis Ltd.. The Committee noted that the applicant had requested for deferment of consideration of the application but the Planning Department did not support the request for deferment. As the interests of Mr Fu and Ms Lai were direct, the Committee agreed that they should leave the meeting temporarily for this item.

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

110. The Secretary said that the application had been deferred three times. The applicants requested on 5.2.2014 for deferment of the consideration of the application for a period of two months to allow time to address departmental comments in particular regarding tree assessment, tree preservation scheme, compensatory planting proposal and landscape design. The applicants were also reviewing the proposed scheme to improve the visual permeability, updating drainage and sewerage impact assessments, and considering the concerns regarding the wooded area within the site.

111. The Secretary continued to say that the Planning Department did not support the request for deferment as it did not meet 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 Committee had allowed 3 previous deferments for a total of 6 months for the applicants to submit further information to address similar technical issues and the application had been deferred for over a year. Moreover, it should be noted that this was an application for amending the “Government, Institution or Community” zoning of the site to “Residential (Group A)” (“R(A)”) under which ‘Flat’ use was always permitted. The currently outstanding issues on tree preservation within the site, landscape and visual permeability were more related to the detailed design of the development scheme which was only indicative for the proposed “R(A)” zone. Other technical issues with regard to drainage and sewage connections could be tackled at the implementation stage if the application was approved. Besides, part of the site had been identified for home ownership scheme (HOS) development. The Tuen Mun District Council (TMDC) and Working Group on Development and Planning of the TMDC were consulted on various proposed amendments to the Tuen Mun OZP, including rezoning of the site and adjoining land to “Comprehensive Development Area (1)” and “Green Belt”, on 7.1.2014 and 27.1.2014 respectively. The deferment of the subject application might jeopardise the aforesaid HOS development.

112. After deliberation, the Committee decided not to accede to the applicant’s request for deferment. The reasons were :

- “(a) the consideration of the application has been deferred for over a year and the Committee has already allowed 6 months for preparation of further information to address departmental concerns on similar issues;
- (b) the outstanding issues are related to the detailed design and implementation of the development scheme which is only indicative for the proposed “Residential (Group A)” zone; and
- (c) further deferment of consideration of the application would jeopardise the government’s plan for implementing a public housing project on part of the site.”

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/272 Proposed Temporary Private Vehicle Park (Private Cars and Motorcycles) for a Period of 3 Years in “Village Type Development” Zone, Lot 651 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun San Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/272A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary private vehicle park (private cars and motorcycles) for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Commissioner for Transport (C for T) advised that the calculation in the Traffic Impact Assessment (TIA) based on probability was not acceptable. As the local village access was not up to the standard of a single track access road according to the Transport Planning and Design Manual (TPDM) published by the Transport Department, the capacity of 100 vehicles per hour could not be adopted. The applicant was required to submit further information to demonstrate that the current road width, without a clear separation between vehicles and pedestrians, was sufficient and safe for a car park of such scale. In general, vehicles parked on individual scattered private lots in village area would take route from local access roads in a compromised manner acceptable to the villagers. A car park would get together vehicles from scattered locations thereby causing congestion and safety problem for a particular access road. In particular, the access road of concern was 3.5m wide for the shared use of pedestrians and vehicles without sufficient passing bay;

- (d) during the first three weeks of the statutory publication period, 58 public comments were received. Their major views were summarised as follows :
 - (i) a member of the Tuen Mun District Council supported the application without giving reason and required the applicant to maintain a smooth traffic flow;

 - (ii) Vice-chairman of Tuen Mun Rural Committee supported the application as there were insufficient car parking spaces since the intake of residents of Botania Villa and The Sherwood. The proposed car park could provide parking spaces to serve residents nearby and reduce parking on road/street;

 - (iii) Indigenous Inhabitant Representative (IIR) of the Tuen Mun San Tuen, who was also one of the Managers of To Fau Yung Tso,

strongly objected to the application on the grounds that the subject lot was the property of To Fau Yung Tso; he had not assigned or authorised anyone in dealing with this application; the application had not been discussed by his Tso Tong; the site was at the centre of the village; and all the vehicles relied on a single-lane road for two-way traffic to enter and leave the village which would cause danger to all people in the village, including pedestrians and drivers. In case of an accident in the vehicle park, such as fire, the consequences could not be imagined. The previous Application No. A/TM-LTYYY/251 at the same site was rejected by the Committee;

- (iv) IIR of Lam Tei Tsuen stated that the site should not be used for car park because the access was a village road and used by many pedestrians; and
- (v) The Incorporated Owners of Chik Yuen Garden and 53 owners/residents of Chik Yuen Garden strongly objected to the application mainly on the grounds that the road was narrow, winding and of one-lane; there was traffic safety concerns as there were a number of accidents of bicycles clashing with the vehicles in the past; there was insufficient road lighting; the passing-by of vehicles over the iron sheet [drain grating actually] at the exit of Chik Yuen Garden created noise nuisance; and the increase of vehicular flow would lead to air pollution;
- (e) no local objection/view was received by the District Officer (Tuen Mun); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the site was located within a dense village cluster. Vehicles accessing the site would have to weave through the village cluster

via an access road of about 94m long and about 3m to 4m wide. As the private vehicle park was to operate on a 24-hour daily basis, given its proximity to village houses, adverse noise nuisance would be expected. The applicant proposed to implement environmental mitigation measures at the site to address the potential noise nuisance as far as practicable (including erection of 2.5 m high solid boundary wall and prohibition of noisy operations during 11:00 p.m. to 7:00 a.m.). Nevertheless, the potential environmental nuisance caused by vehicles moving along the long and narrow local road aligned with village type houses / residential dwellings, in particular at night, would still be of concern. The applicant had not proposed any measures to address the potential noise nuisance along the local road;

- (ii) the access road leading to the site was narrow without footway for pedestrians and road safety was of concern. C for T raised concern on the safe and smooth maneuvering of the vehicles, and commented that the concerned access road is a non-standard single track access road. The applicant was required to provide further information to demonstrate that the road width, without a clear separation between vehicles and pedestrians, was sufficient and safe for a car park of such scale. Besides, the calculation in the TIA was not acceptable by C for T. The applicant's submissions had not resolved C for T's concerns. The applicant failed to demonstrate that the proposed development would not cause adverse road safety and traffic impacts;
- (iii) the site currently provided access to some residential dwellings to the north and northeast of the site. The applicant proposed to erect solid boundary walls around the site to address noise nuisance. However, this would block the access to the residential dwellings to the north. Even with opening, residents of the dwellings to the north of the site would have to drive and/or walk through the proposed temporary vehicle park and this might result in possible

conflict between pedestrians and vehicular traffic. The applicant had not stated in the submissions about the access to the residential dwellings to the north and northeast;

- (iv) the previous Application No. A/TM-LTYT/251 for temporary public vehicle park at the site was rejected by the Committee on 25.1.2013 on the grounds of failure to demonstrate no adverse environmental impacts on adjacent residential dwellings; and failure to address the traffic flow/manoeuvring and road safety concerns. The proposed development under the current application was similar to that of the previous rejected application and there was no change in planning circumstances. There were also four similar applications for temporary vehicle park in the “V” zone which were rejected on road safety and environmental grounds. Regarding the similar applications being approved, they were different from the current application as they were at the fringe of the village cluster, their vehicular accesses were next to fewer residential dwellings and with footway, there were no objections from concerned Government departments, and no nighttime operations were involved; and
- (v) there were 56 comments (including comments of 54 local residents in same estate) objected or strongly objected to the application mainly on road safety and environmental nuisance grounds.

114. Members had no question on the application.

Deliberation Session

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

- “(a) the site is located within a dense village cluster. The applicant fails to demonstrate that the proposed development would not have adverse noise

nuisance on the adjacent residential dwellings; and

- (b) the access road leading to the site is narrow. The applicant fails to address the traffic and road safety concerns.”

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-PS/436 Proposed Temporary Open Storage of New Vehicles (Privates Cars and light Goods Vehicles Only) for a Period of 3 Years in “Recreation” zone, Lot 226(Part) in D.D. 126 and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/436)

116. The Secretary reported that the applicant requested on 4.2.2014 for deferment of the consideration of the application for a period of one month in order to allow time for the applicant to prepare further information to address the comments from concerned Government departments. This was the first time that the applicant requested for deferment.

117. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. 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.

[The Chairman thanked Mr Vincent T.K. Lai, Ms Bonita K.K. Ho and Mr K.C. Kan, STPs/TMYLW, for their attendance to answer Members’ enquires. Mr Lai, Ms Ho and

Mr Kan left the meeting at this point.]

Agenda Item 35

Any Other Business

118. There being no other business, the meeting closed at 4:55 p.m..