

TOWN PLANNING BOARD

Minutes of 508th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 4.4.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. YAU

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

Dr Eugene K.K. Chan

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

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

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

Assistant Director/Regional 3,
Lands Department
Ms Anita K.F. Lam

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

Secretary

Absent with Apologies

Ms Christina M. Lee

Mr David Y.T. Lui

In Attendance

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

Chief Town Planner/Town Planning Board
Ms Lily Y.M. Yam

Town Planner/Town Planning Board
Ms Karen K.W. Chan (for Items 1 to 5)

Senior Town Planner/Town Planning Board
Ms Johanna W.Y. Cheng (for Items 6 to 71)

Opening

1. The Chairman said that it was the first meeting of the new term. He welcomed the new Committee Members, Dr Eugene K.K. Chan and Mr Peter K.T. Yuen. Members noted that another new Member, Mr David Y.T. Lui, had sent his apologies for being unable to attend the meeting as he was out of town. The Chairman also thanked Professor S.C. Wong for being the Vice-chairman of the Committee.

Agenda Item 1

Confirmation of the Draft Minutes of the 507th RNTPC Meeting held on 21.3.2014

[Open Meeting]

2. The draft minutes of the 507th RNTPC meeting held on 21.3.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM/14 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, from “Open Space” to “Government, Institution or Community”, Lots 491 (Part), 492 (Part), 495R.P. , 498R.P. , 500 (Part), 501 (Part), 502 R.P. (Part), 503, 717 R.P. in D.D. 374 and Adjoining Government Land, So Kwun Wat , Tuen Mun
(RNTPC Paper No. Y/TM/14)

4. The Secretary said that the applicant submitted the subject section 12A application to rezone the application site from “Open Space” (“O”) to “Government, Institution or Community” (“G/IC”) for a church development with public open space. The applicant had previously submitted a section 16 planning application (No. A/TM/440) for the same use at the application site. The development parameters were similar to those proposed in the current section 12A application. On 6.9.2013, the Committee approved Application No. A/TM/440 with conditions. Should the application site be rezoned to “G/IC”, ‘Religious Institution’ (church) was always permitted under the Outline Zoning Plan. The development control as per the approved section 16 application would no longer be enforceable. The Planning Department (PlanD) was liaising with the applicant to clarify his intention of submitting the current section 12A application. As such, PlanD requested for a deferment of consideration of the application for one month in order to allow time to liaise with the applicant to clarify his intention.

5. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within one month from the date of this meeting.

- Professor S.C. Wong - having current business dealings with AECOM
- Ms Janice W.M. Lai - having current business dealings with SHK and AECOM
- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM C.M. Wong & Associates Ltd. and Environ and being a Director and shareholder of LWK & Partners (HK) Ltd.

7. As Professor S.C. Wong had no direct involvement in the subject application, Members agreed that he could stay in the meeting. As the interests of the Chairman, Ms Anita K.F. Lam, Ms Janice W.M. Lai, Messrs Frankie W.P. Chou, Ivan C.S. Fu and H.F. Leung were direct, Members agreed that they should leave the meeting temporarily for this item. As the Chairman had left the meeting, the Vice-chairman took over the chairmanship of the meeting at this point.

[Mr K.K. Ling, Ms Anita K.F. Lam, Ms Janice W.M. Lai, Messrs Frankie W.P. Chou, Ivan C.S. Fu and H.F. Leung left the meeting temporarily at this point.]

Presentation and Question Sessions

8. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

- Mr Anthony K.O. Luk - District Planning Officer/Shan Tin, Tai Po & North District
- Mr C.T. Lau - Senior Town Planner/Shan Tin, Tai Po & North District

9. The following applicant's representatives were invited to the meeting at this point:

Ms Winnie Wu
Mr Elton Chung
Mr Simon Wong

10. The Vice-chairman extended a welcome and explained the procedure of the hearing. He then invited Mr C.T. Lau, STP/STN, to brief Members on the background of the application. With the aid of a powerpoint presentation, Mr C.T. Lau presented the application as detailed in the Paper and made the following main points:

The Proposal

- (a) the applicant proposed to amend the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/24 by rezoning the application site from “Green Belt” (“GB”) and “Government, Institution or Community” (“G/IC”) to “Residential (Group 8)” (“R(B)8”) for a residential development. The site (about 19,700m²) comprised about 80% (15,750m²) of private land and 20% (3,950m²) of Government land;
- (b) the site was irregular in shape and comprised of two separate portions, i.e. a major portion near Chung Nga Road (about 16,800m²) and an isolated portion (about 2,900m²) in the northwest. To the west and north was a large “GB” area with footpaths connecting to Wilson Trail and further north to Pat Sin Leng Country Park. The application site adjoined the permitted burial ground for Nam Hang Village and it was accessible via an access track with a width of about 7m leading from Chung Nga Road. The site was partly covered by vegetation and partly cleared, and two platforms that were vacant with some temporary structures and a number of registered slopes were found at its south. Part of the site was proposed for public housing development;
- (c) the major proposed development parameters of the applicant’s indicative scheme were a maximum plot ratio (PR) of 3.5 (equivalent to a gross floor area (GFA) of 55,125m²), a maximum site coverage of not more than 15% and a maximum building height of not more than 130mPD;

- (d) according to the indicative scheme in the applicant's submission, the site could be broadly divided into two portions (i.e. the northern portion and southern portion). The northern portion comprising hill slopes was proposed to be kept intact for recreational purpose whilst building development would be carried out in the southern portion. Six residential blocks would be developed in the southern portion. The proposed housing development would provide 1,144 units. A new road was proposed along the southern fringe of the site to be connected to the existing track leading to Chung Nga Road;
- (e) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Proposed Public Housing Development

- (f) to meet the housing need of the community and the Long Term Housing Strategy, three sites (including two sites along Chung Nga Road namely Chung Nga Road West (CNRW) site and Chung Nga Road East (CNRE) site, and another adjoining site in Tai Po Area 9 (Tai Po Area 9)) had been identified for public housing purpose. To facilitate the proposed public housing development, it was proposed to rezone the sites at CNRW, CNRE and Tai Po Area 9 from "GB" and "G/IC" to "Residential (Group A)9" ("R(A)9") subject to a maximum PR of 6 and a maximum building height of 140mPD. The CNRW, CNRE and Tai Po Area 9 sites, with a total area of about 9.1ha, were integral parts of a comprehensive public housing development to provide a total of about 6,350 flats, two schools and various social welfare facilities. According to the HD's latest development proposal, a primary school and about 950 flats would be provided at the CNRW site together with social welfare facilities;
- (g) the Environment, Housing and Works Committee (EHWC) of the Tai Po District Council (TPDC) was consulted, among others, on the above proposed public housing development on 13.2.2014. EHWC members

generally welcomed the proposed public housing but some members noted the subject section 12A application and had reservation on public housing development at the CNRW site as it involved private land and private property rights should be respected. Some EHWC members considered that residential developments in the area should be proceeded in a progressive manner without overstraining the infrastructural capacity;

[Dr. Eugene K.K. Chan arrived to join the meeting at this point.]

Departmental Comments

- (h) departmental comments were set out in paragraph 9 of the Paper and were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the northern portion of the site was covered by woodland and of medium ecological value. Hence, its current “GB” zoning was highly appropriate to preserve the rural and natural environment. Rezoning of the northern portion from “GB” to “R(B)8” was not justified and was not supported. DAFC also noted that the northern portion of the application site had been cleared of natural vegetation recently. If the vegetation clearance involved “destroy first, build later” activities constituting an abuse of the process, he would not support the application from nature conservation point of view;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from the landscape planning point of view on the grounds that the compensatory planting ratio (1:0.46) and greening provision were unsatisfactory, and there were fundamental landscaping issues and concerns regarding the design of the proposed development unresolved;
 - (iii) the Commissioner for Transport (C for T) was unable to support the

application at this stage as the Traffic Impact Assessment (TIA) was insufficient (e.g. failure to include the planned public housing developments in the vicinity and identify problem and capacity deficiency of the existing public transport facilities) to justify the acceptability of traffic impact;

- (iv) regarding the Sewerage Impact Assessment (SIA), the Chief Engineer/Mainland North, Drainage Services Department (CE/MS, DSD) considered that the estimated flows for surrounding facilities adopted by the applicant were too small, and the stream diversion as proposed by the applicant would significantly increase the flow of the existing drain and greatly reduce the spare capacity available to other developments in the vicinity. The Director of Environmental Protection (DEP) advised that with the application site and HD's CNRE site both discharging to the existing sewerage, the existing sewerage along Chung Nga Road would have insufficient capacity to cope with additional flow from the application site, and the applicant would need to further upgrade the existing pipes. As for the groups of plants/equipment on the roof of Tai Po Hospital which might cause noise impacts on the proposed development, DEP considered the approach adopted in the Noise Impact Assessment (NIA) without quantitative noise assessment not acceptable;

Public Comments

- (i) during the first three weeks of the statutory public inspection period, a total of 216 public comments (including 169 supporting, 45 opposing and two neutral) were received:
 - (i) opposing views - the objections to the application were mainly on the grounds of land use compatibility, affecting greenery and living environment, wall effect, traffic congestion and safety problems, and undesirable precedent effect;

- (ii) neutral views - two neutral comments from the Village Representatives of Nam Hang were concerned that the proposed development would affect the *fung shui* and access to the burial ground of Nam Hang Village, and that the proposed development should be comprehensively planned before implementation;
 - (iii) supporting views - the proposed private housing development was in line with the Government's policy to increase housing supply, would help improve the housing mix in the area, would not overstrain the public facilities/service in the district and would not affect the ecology of the area;
- (j) during the public inspection period on the further information, a total of 161 public comments (including 156 supporting, two opposing and three neutral) were received:
- (i) opposing views - the commenters objecting to the application mainly on the grounds that the proposed development would bring about traffic safety problems and noise nuisance to Hong Chi Pinehill Village and that the proposed development would involve tree felling and spoil the green environment;
 - (ii) neutral views - three neutral comments from the Village Representatives of Nam Hang reiterated their concerns as stated in paragraph 10(i) and (ii) above;
 - (iii) supporting views - the Government had to resume land for the development and the time required might be longer than the proposed private housing development; the Government had to resume land and pay compensation to the affected land owners, financial burden was on the government side; and the proposed development had a lower PR and site coverage than the public housing project. Wall effect would be reduced and more green belt in the locality could be preserved;

PlanD's views

- (k) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:

Planning Intention

- (i) the northern portion of the application site comprised hill slopes once covered with shrubs and dense tree groups and was zoned “GB” on the OZP. DAFC advised that the northern portion was of medium ecological value covered by woodland and its current zoning of “GB” was highly appropriate to preserve the rural and natural environment. Rezoning of the northern portion from “GB” to “R(B)8” was not justified and was not supported;
- (ii) to meet the housing need of the community and the Long Term Housing Strategy of increasing housing supply, the Government had identified three sites including the southern part of the application site (i.e. CNRW site) and its adjoining two sites (i.e. CNRE and Tai Po Area 9 sites) for a comprehensive public housing development including the provision of two schools and social welfare facilities. The southern portion of the application site formed an integral part of a single development to serve the community and meet the housing need;

Provision of Public Housing and Public Facilities

- (iii) the southern part of the application site was a logical extension of the existing and planned public housing estates in the vicinity. Combining it with the other two proposed public housing sites in Tai Po Area 9 and CNRE into a comprehensive public housing development would generate synergy effect for better provision of GIC facilities to meet the local and district demand as well as better integration among the new housing sites (e.g. pedestrian circulation network) and with the existing public housing developments in Fu

Heng Estate and Chung Nga Court. According to HD, the CNRW site where part of the application site was located could provide about 950 flats and a primary school. Given that there had been no major public housing estate developed in Tai Po district since the completion of Wan Tau Tong Estate in 1992 and there was a shortfall of primary school, the southern site could provide additional supply of public housing units and a new primary school to meet the acute demand of the district. The public housing scheme would bring about more planning gain in terms of new supply of public housing shortening the queuing time for public housing in the long run. The provision of public housing at the application site could also achieve a better housing mix of private and public housing within the Tai Po New Town;

Public Interest versus Private Interest

- (iv) the application site comprised eight private lots (seven of which were agricultural lots and one house lot) and Government land. In particular, the applicant's private land was land-locked. The proposed access road to the application site fell entirely on Government land. In this regard, the District Lands Officer/Tai Po, LandsD advised that from the land administrative point of view, in general, application for a land exchange which involved additional Government land would not be considered if the land concerned had foreseeable public use and capable of a reasonable separate alienation or development. The southern portion of the application site had been identified for public housing purpose. It should be noted that acquisition of private land for public purpose, in particular public housing development in New Towns or New Development Areas by the Government through resumption was inevitable and not uncommon. The owner of the land affected by the public project would be compensated in accordance with the provision in the Lands Resumption Ordinance. Provision of public housing units on the application site was in the public interest and should override private interest. Approval of the application for private housing

development would frustrate the proposed public housing development and was against public interest;

Development Intensity

- (v) although the applicant had delineated the northern portion of the application site as a landscape area for recreational use, he had included the northern portion of the application site for PR calculation (thereby increasing the GFA). As the natural slopes in the northern portion were not developable, there was no planning justification to include the wooded area in the application site for rezoning for residential development and for PR calculation. The inclusion would give a false impression that the intensity of the development was not very high (PR of 3.5). In effect, if the northern portion was excluded, the development intensity in terms of net site (excluding the northern portion and area covering the proposed road access in the south) was equivalent to a PR of about 6.5, which would be higher than the prevailing permissible PR of 5 for Density Zone 1 in Tai Po New Town and PR of 6 assuming a further increase of 20% was allowed;

Technical Assessments

- (vi) concerned Government departments were not satisfied with the technical assessments (including the landscape proposal, TIA, SIA and NIA) submitted by the applicant. Detailed comments from concerned Government departments were detailed in paragraph 9 of the Paper; and

Public Comments

- (vii) public comments supporting the application mainly on the grounds that the proposed private housing development was in line with the government's policy to increase housing supply, would help improve the housing mix in the area, would not overstrain the public facilities/service in the district and would not affect the ecology of

the area were noted. However, the proposed public housing development would bring about more planning gain in terms of new supply of public housing shortening the queuing time for public housing as well as social welfare and education facilities to meet the needs of the community. Regarding the comments objecting to the application on the grounds of land use compatibility, affecting greenery and the living environment, wall effect, traffic congestion and safety problems, and undesirable precedent effect, it should be noted that C for T did not support the application from the traffic engineering point of view, whilst DAFC and CTP/UD&L, PlanD did not support the application from the nature conservation and landscape planning perspectives respectively.

11. The Vice-chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Ms Winnie Wu made the following main points:

- (a) prior to 1990, the applicant had a plan to develop the application site for private housing development. The applicant had previously submitted three planning applications for residential development to the Town Planning Board (the Board). In December 2013, the applicant submitted the subject application to rezone the application site for private residential development;
- (b) at a regular TPDC meeting in January 2014, PlanD consulted the TPDC members regarding the rezoning of eight sites in the Tai Po area for housing development. Among the eight sites, none of them was related to the application site;
- (c) at a special TPDC meeting in February 2014, PlanD consulted the TPDC members again. However, it was noted that the application site was included as one of the eight sites to be rezoned for housing developments. PlanD proposed to rezone the application site, which consisted of at least 70% of private land, for public housing development. Whereas for the

five other sites, which were of Government land, were intended to be rezoned for private housing developments;

- (d) there were other sites in the Tai Po area which were considered more suitable for public housing developments. For instance, the Government had identified two sites at CNRE and Tai Po Area 9 which would provide about 5,400 public housing units. As such, the rezoning of the application site for public housing development was considered not necessary;
- (e) Members of TPDC had strong reservation on the public housing development at the application site as it involved private land and private property rights should be respected. The TPDC members also commented that the large piece of Government land, i.e. the sites at CNRE and Tai Po Area 9 adjacent to the application site, could be developed first. It was not necessary to combine the sites with the application site for public housing development;
- (f) providing private housing units by private initiative was also a public gain as some spectrums of the public were not entitled to public rental housing nor housing flats under the Home Ownership Scheme. Different types of housing would help serve the needs of different groups of the public;
- (g) the site was surrounded by high-density public housing developments which provided about 20,510 public housing units. If the application site was also rezoned for public housing development, it would create a monotonous housing mix in the area and a replica of the Tin Shui Wai New Town;
- (h) private initiative could be another driving force to provide flat supply to the housing market. The Government could save up some resources for other social uses and bring benefits to the community which was also in the public interest;
- (i) as regards the suggested rejection reason (a), it should be emphasized that

meeting private housing needs was also in public interest. Instead of making a decision on what type of housing should be provided on the application site, the Committee should consider whether the application site was more suitable to be rezoned for residential development and adopt appropriate zoning such as “R(A)”, “R(B)” or “Comprehensive Development Area” (“CDA”);

- (j) it was noted that PlanD had submitted another paper regarding the proposed amendments to Tai Po OZP for the Committee’s consideration at the same meeting. Among the amendment items, PlanD proposed to rezone the application site from “G/IC” to “R(A)9” and state clearly in the planning intention the “R(A)9” zone that it was intended for public housing development. The applicant considered that it was not the Committee’s mandate to rule on the implementation agent of the housing development, should the site be considered suitable for housing development;
- (k) as regards the proposed rejection reason (b) as stated in the Paper in relation to the encroachment of the proposed “R(B)” zone onto the existing woodland (i.e. the northern portion of the application site), the applicant was willing to adjust the site boundary by excluding the northern portion. Moreover, the Committee might also consider rezoning the application site to “CDA” and adopt a maximum PR of 5 for the site for exercising better planning control on the development at the site;
- (l) as regards the suggested rejection reason (c) as stated in the Paper in relation to the applicant’s failure to demonstrate that the proposed rezoning would have no adverse traffic and landscape impacts on the surrounding areas, it should be noted that given similar site constraints, both private and public housing developments would be subject to similar technical issues. If it was technically feasible to develop the site for high-density housing developments with a PR of 6, the applicant could not see why private housing development at the same site with a lower PR could not be justified;

- (m) in conclusion, it was more appropriate to rezone the site for private housing development as it could also bring benefits to the community, which were summarised as follows:
- (i) the proposed residential development could meet private housing needs;
 - (ii) it could help promote variation in housing mix;
 - (iii) private resources could be utilised to contribute to housing supply;
and
 - (iv) the proposed residential development would facilitate timely implementation of residential development in the locality without land resumption.
- (n) should the Committee consider that the application site was suitable for housing development, the Committee could decide to partially agree to the application subject to the revision of the site boundary by excising the northern portion of the application site. Moreover, the Committee could also consider rezoning the application site to “CDA” for exercising better planning control.

12. A Member raised the following three questions:

- (a) what was the land ownership of the application site?;
- (b) what was the current private and public housing mix in the Tai Po area?;
and
- (c) what would be the respective merits and deficiencies of developing the application site for public or private housing?

13. In response to the Members’ second question, Mr Anthony K.O. Luk said that the

current public and private housing mix in Tai Po New Town was 52:48. Public housing development accounted for a lower proportion of housing supply in Tai Po as compared with other new towns such as Sha Tin in which public and private housing ratio was about 58:42. There was a lower proportion of public housing in Tai Po because there had been no major public housing estate developed there in the past 20 years. Rezoning the site for public housing development would increase the proportion of public housing in Tai Po New Town.

14. Regarding the Member's question on the merits and deficiencies of developing the application site for public housing development, Mr Anthony K.O. Luk said that the application site was suitable for public housing development for the following reasons:

- (i) location – the application site was a logical extension of the existing and planned public housing sites in the vicinity;
- (ii) development intensity - the proposed public housing development with a PR of 6 was compatible with the existing housing developments nearby such as Chung Nga Court and Fu Heng Estate (with a PR of 5);
- (iii) accessibility to public transport system and shared facilities with other public housing estates - as compared with other proposed sites for private housing, the proposed public housing sites at CNRE, CNRW and Tai Po Area 9 were more accessible to the mass transport system and well supported by the community facilities such as wet market and public clinic in the nearby existing public housing developments; and
- (iv) alleviate shortage in school provision - if the application site was developed together with CNRE and Tai Po Area 9 for public housing development, it was necessary to provide two primary schools to accommodate the additional population. The southern portion of the application site could provide a new primary school to meet the acute demand in the district.

15. In response to the Member's first question on the land ownership of the application site, Ms Winnie Wu said that the application site comprised about 80% private

land and 20% Government land. If the northern portion of the application site was excluded, the application site would comprise about 70% private land and 30% Government land. As regards the Government's proposal to develop a new primary school at the application site, Ms Winnie Wu said that the primary school was required to serve the population of the whole Tai Po district. She casted doubt why the new primary school had to be provided within the application site, of which more than 80% of the land was private land, but not providing it within the large piece of Government land at CNRE and Tai Po Area 9.

16. As regards the land ownership and land status of the application site, Mr C.T. Lau supplemented that the application site comprised private lots (about 80%), which were restricted for agricultural purpose except that a small piece of land (about 1,455m²) was permitted for fruit growing and house use. The remaining part of the application site (about 20%) fell within Government land. Mr Anthony K.O. Luk further said that if only the development site was taken into calculation, there would be about 8,500m² of private land and 3,500m² of Government land. The proposed access road to the application site would fall entirely on Government land.

17. In response to PlanD's comment on the applicant's private lot being land-locked, Ms Winnie Wu said that land-locked site was defined as any land enclosed by other land interests and having no right-of-way through those land parcels. For the application site, the private lots were Old Scheduled lots that could be used for storage/loading and unloading of goods. Besides, vehicular access had long been established on an existing haul road through the Government land. Ms Winnie Wu said that should the application be approved by the Committee, the applicant would apply to the Lands Department for a land exchange for the proposed use and occupation of the concerned Government land.

18. As regards the housing mix, the Secretary informed Members that according to the Long Term Housing Strategy currently launched by the Government, the Government advocated that public housing should account for a higher proportion of new housing production and had proposed the ratio between public housing and private housing to be 60:40.

19. As regards the comment that both private and public housing developments had to address the same technical concerns such as traffic and drainage impacts, Members noted

that for traffic issues, the trip generation of private housing development would be different from that of public housing development due to higher car ownership rates for private housing development.

20. Noting that the Government had identified eight sites for new public and private housing developments in the Tai Po area, a Member enquired whether the ratio of 60:40 between public and private housing as advocated by the Government could be achieved after the implementation of the planned housing developments. In response, Mr Anthony K.O. Luk said that the current ratio between public and private housing in the Tai Po area was 52:48. Since the application site was relatively small, and hence the yield of public housing unit was not large, the ratio of 60:40 between public and private housing could still not be attained after the planned housing developments were implemented.

21. The Vice-chairman noted that the applicant's representative had said that the Government would deprive the applicant of its private property right if the application site was rezoned for public housing purpose. In this regard, the Vice-chairman asked the applicant's representative to make clarification on this point. Ms Winnie Wu said that the applicant's private property right was deprived of in a number of ways. There was other Government land in the Tai Po area that could be developed for public housing. However, the Government now intended to develop public housing on the application site, which was mostly private land. The applicant had intended to develop the site for private residential developments since 1999. The applicant had made efforts in consolidating the private lots, preparing technical assessments and submitted three planning applications to the Committee for private residential development. She doubted why PlanD proposed to rezone the application site for public housing development right after the applicant's submission of the subject application. PlanD's rezoning proposal was that the application site would be rezoned to "R(A)9" for public housing development. This would deprive the applicant of its right to pursue a private residential project on the application site.

22. In response to the Vice-chairman's question on public interest as a consideration of the application, Ms Winnie Wu agreed that public interest could also be a factor in considering the application. While public housing was in the public interest, she emphasized that there was also a spectrum of public, not eligible to either public housing or HOS flats. As such, provision of private housing flats for these people would also be in the

public interest and should not be ignored.

23. The Vice-chairman noted that there had been vegetation clearance at the northern portion of the application site and enquired whether the applicant had taken any action to prevent these activities. In response, Ms Winnie Wu said that the applicant was also aware of the vegetation clearance in the northern portion of the application site. The applicant would fence off the application site to avoid further vegetation clearance and would reinstate the site by planting trees.

24. The Vice-chairman said that as the applicant had no plan to develop the northern portion of the application site, he enquired why the northern portion of the site was included in the application. Ms Winnie Wu responded that the applicant had delineated the northern portion of the application site as a landscape area for recreational use. The existing vegetation within that portion would be kept intact and served as a buffer between the woodland to the north and the proposed residential towers at the southern portion of the application site.

25. The Vice-chairman said that the application site was located at the northern fringe of the Tai Po New Town, which was surrounded by high-density public housing developments. He enquired how the proposed private housing development would help create synergy in the community. In response, Ms Winnie Wu said that it was agreeable that a ratio of 60:40 public and private housing mix should be achieved for the new town as a whole. However, a balanced mixture of private and public housing in the community should also be achieved. Ms Wu further said that the local neighbourhood was already dominated by high-density public housing developments and was resided by ageing population. The proposed private housing development would provide more housing choices to the second generation of the community, which could lead to a more enjoyable and vibrant living environment in the district.

26. In response to the Vice-chairman's question, Mr C.T. Lau said that HD had already started studying the proposed public housing development and prepared technical assessments, while PlanD had started preparing the rezoning proposals for the eight sites in the Tai Po area for housing developments long before the applicant's submission in December 2013. In January and February 2014, PlanD submitted a DC Paper to the TPDC

for consideration.

27. A Member enquired whether public housing development or private housing development would cause less environmental impacts on the surrounding areas. In response, Mr C.T. Lau said that for the CNRW site, HD had proposed to develop one residential block and a new primary school. This proposed development was considered compatible with the surroundings both in terms of land use and development intensity. Moreover, the proposed new primary school, with a lower building height, would create an open vista to the surrounding area.

28. In response to the same Member's question, Ms Winnie Wu pointed out that the CNRW site was proposed by PlanD to be rezoned from "G/IC" to "R(A)9" subject to a maximum PR of 6. As 'flat' use was always permitted under the "R(A)" zone, the Board could not exercise any planning control on the design and layout of the future public housing development on the CNRW site. If the Committee agreed that the application site was suitable for housing development, the Committee might alternatively consider rezoning the application site to "CDA" zone for exercising better planning control. However, the use of the site should not be restricted to public housing development.

29. In response, Mr Anthony K.O. Luk said that while the CNRW site was proposed to be rezoned to "R(A)9", a planning brief setting out the development parameters and the design requirements of the comprehensive public housing development, including the provision of a primary school at the CNRW site, would be prepared to guide the future development of the site.

30. A Member noted that the northern portion of the site comprised some natural slopes which might not be developable. This Member enquired why the applicant included the northern portion in the application site. Mr Anthony K.O. Luk said that the applicant had included the northern portion of the application site for PR calculation (thereby increasing the GFA). In effect, if the northern portion of the site was excluded, the development intensity in terms of net site was equivalent to a PR of about 6.5, which would be higher than the prevailing permissible PR of 5 for Density Zone 1 in the Tai Po area and would be higher even after 20% increase in intensity as advocated in the Policy Address was taken into account. Mr Luk added that in PlanD's proposal, it was proposed to retain the

northern portion of the site as “GB” which would serve as a buffer zone between the high-density residential development in the south and the country park to the north and to provide a passive recreational outlet for public use.

31. The same Member enquired about the respective number of people to be accommodated in both the public and private housing developments on the application site. Mr Anthony K.O. Luk said that the assumed number of persons per flat in public housing and private housing were 3.06 and 2.8 respectively. If the application site was rezoned for public housing development (together with a primary school), it would provide about 980 flats accommodating about 2,900 persons. If the application site was for private housing development, it would provide 1,144 flats (based on the applicant’s proposal), but the number of people accommodated in the private housing development would be more or less the same as that of public housing development. However, in terms of trip generation, it would be higher for private housing development as the car ownership rate was higher than that in the public housing development.

32. A Member noted that a public housing development at Po Heung Street would commence soon. This Member asked if there was any change in the ratio between public and private housing in the Tai Po New Town if the public housing development at Po Heung Street was taken into account. Mr Anthony K.O. Luk responded that as the Po Heung Street public housing development would only provide about 480 flats while the total number of flats in the Tai Po New Town was about 93,000, the overall ratio between public and private housing development would not change significantly and shall largely remain at 52:48.

33. As regards the Member’s further question on the current status of the two schools at Fu Heng Estate, Mr C.T. Lau said that there were two schools, namely Sacred Heart of Mary Catholic Primary School and S.K.H. Yuen Chen Maun Chen Jubilee Primary School in operation, in Fu Heng Estate. Mr Anthony K.O. Luk supplemented that PlanD had conducted an assessment on the overall provision of Government, Institution and Community facilities which revealed that there was a deficit of 134 primary classrooms in the Tai Po area.

34. The same Member noted that some Government departments were not satisfied with the ‘maximum’ compensatory planting ratio which was only 1:0.46. In response, Ms Winnie Wu said that if the Committee partially agreed to the subject application, the

applicant would revise the site boundary by excluding the northern portion of the application site. After excluding the northern portion of the site, the layout and design of the development would be further enhanced. According to the landscape consultant, the 'maximum' compensatory planting ratio could be improved to 1:0.8 after the layout and design of the development was revised.

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

Deliberation Session

36. A Member said that the private sector in providing private housing should not bear any responsibility to help achieve the ratio of 60:40 between public and private housing as advocated by the Government. Besides, such ratio might be adjusted with changes in the demand structure in future. As regards the suitability of developing the application site for private or public housing, this Member opined that the Committee should consider the merits of each development. Although both private and public housing developments would be subject to similar drainage and traffic constraints, if the application site was developed into a public housing block and a primary school, there would be less environmental and visual impacts. As such, this Member considered that the application site was more suitable for comprehensive public housing development.

37. A Member opined that the Committee should consider whether the application site was suitable to be rezoned from "GB" for residential purpose, instead of making a decision on the implementation agent. While it was the objective of the Government to provide adequate residential flats to meet the housing demand, the provision of both private and public housing was in the public interest. As there were no details about the public housing development including the technical assessments submitted by HD, this Member said that the Committee should consider the application based on the information as submitted by the applicant.

38. The Secretary pointed out for Members' information that in relation to the next agenda item on the proposed amendments to the Tai Po OZP, a summary of HD's technical assessments on the environmental, drainage, visual and traffic aspects in support of the proposed public housing development on the CNRW site was included in the Paper with the full reports deposited at the Secretariat. Members were invited to take note of the fact that all the private lots (except a small portion) involved in the subject application were for agricultural purpose. The application site also involved Government land which had foreseeable public use and capable of a reasonable separate alienation or development. Moreover, acquisition of private land for public purpose, in particular public housing development in New Towns or New Development Areas by the Government through land resumption was not uncommon.

39. The Vice-chairman said that the Committee could focus on the following issues: (i) whether the application site was suitable to be rezoned from "GB" for residential purpose; (ii) whether the inclusion of the northern portion of the application site was justified; and (iii) if the application site was suitable for residential purpose, whether it was more suitable for public or private housing development, taking into account the location of the application site and the surrounding land uses.

40. A Member opined that the Committee should only focus on whether the application site was suitable for residential purpose. This Member said the technical issues on the traffic and drainage impacts could be further addressed by the applicant and thus it should not have much weight when considering the subject application.

41. A Member considered that it would be appropriate to retain the northern portion of the application site as "GB" zone, and had no objection to rezoning the southern portion for residential purpose. While it would be arguable if the subject application was rejected for the reason that the application would frustrate the proposed public housing development, this Member could not tender support to the application because the building mass of the proposed residential development was considered too excessive, and the proposal to include the northern portion of the application site for PR calculation and thereby increasing the total GFA on the development site at the southern part was not justified. As regards the suggestion of the applicant's representative at the meeting to exclude the northern portion of the application site to rezone the remaining part of the application site to "CDA" subject to a

PR of 5, this Member considered that the application should be considered based on the original site boundary as submitted. Another Member shared the same view that the application should be considered based on the proposal as submitted.

42. The Secretary supplemented that if there were any substantial changes in site boundary and site area, the applicant would be required to submit a fresh application which would need to be published for public consultation in accordance with the provisions of the Ordinance. In this regard, the current application should be considered based on the original site boundary as submitted. The Secretary also said that if the Committee wished to have more details about HD's proposal for public housing development which would also involve the application site, Members could consider making a decision on the subject application after hearing PlanD's presentation on the proposed amendments to the Tai Po OZP under the next agenda item.

43. A Member said that as the proposed rezoning encroached upon the woodland, there was no strong justification for including the northern portion of the site for residential purpose. For the southern portion of the application site, it was considered suitable to be rezoned for residential purpose. This Member agreed with the Secretary's suggestion to defer making a decision on the application until after hearing PlanD's presentation on HD's proposals. This Member noted that if the application site was developed into public housing development, there would only be one residential block and one primary school. However, as no planning permission was required for residential use under the "R(A)" zoning, this Member asked if there was any mechanism that could require HD to implement such proposal. The Secretary said that the Committee could consider stating the requirement of the submission of a layout plan to the Committee's consideration in the Remarks of the Notes for "R(A)9" zone or state clearly the requirement of providing a primary school in the "R(A)9" zone in the Explanatory Statement (ES) of the OZP.

44. A Member shared the views that the northern portion of the application site should be retained as "GB" zone as it was an extension of the woodland in the Kau Lung Hang area. It could serve as a buffer zone between the high-density residential development in the south and the woodland in the further north of the Tai Po area. However, for the southern portion of the site, as there were both existing and planned public housing developments found in the vicinity, the site might not be unsuitable for private housing

development as it could also create synergy effect with the nearby public housing developments. On the environmental and visual aspects, however, this Member was in favour of HD's scheme of providing one residential block and one primary school on the application site.

45. A Member was of the view that that the Committee should make a decision on the application as submitted by the applicant. As there were no strong justifications to support the subject application, the application should be rejected. Another Member shared the same views.

46. The Vice-chairman noted that Members generally did not agree to the application. Members then went through the reasons for not supporting the application as suggested in paragraph 12 of the Paper. Members considered that it was not appropriate to rezone the northern portion of the application site from "GB" to "R(B)8" and rejection reason (b) as suggested in the Paper was largely appropriate subject to some refinement in wording. Rejection reason (c) relating to the applicant's failure to demonstrate no adverse traffic and landscape impacts on the surrounding areas was considered appropriate. The Vice-chairman then invited Members to consider whether it was appropriate to adopt rejection reason (a) as suggested in the Paper, as the proposed public housing development would only be considered under the next agenda item. In response, the Secretary said that the applicant was aware of the arrangement that PlanD was submitting the current application for Committee's consideration together with PlanD's proposal to rezone the same site for public housing development. Moreover, the applicant had put forward a lot of argument in favour of private housing development on the subject site in lieu of public housing, and Members had thorough discussions on the relevant aspects regarding the relative merits of developing public and private housing on the application site, it was appropriate for Members to make a decision on whether the site was suitable for public or private housing.

47. A Member said that if the Committee decided to defer making a decision until after hearing PlanD's presentation under the next agenda item, it would be appropriate to adopt rejection reason (a) to reject the subject application as the Committee had thorough discussions on both development proposals put forward by the applicant and HD. However, given that the Committee was considering the subject application first, this Member considered that it might not be appropriate to adopt reason (a) as suggested in the Paper.

48. A Member said that although there were other development schemes proposed on the same application site, each application should be considered on its individual merits. For the subject application, the Committee should consider whether there were strong justifications to reject the application. For similar cases in future, it would be useful if there was a concrete comparison between the two schemes.

49. Noting that the southern portion of the application site was encircled by public housing developments, a Member considered that the proposed private residential development was not suitable. The Vice-chairman noted that the three public housing sites at Tai Po Area 9, CNRW and CNRE would be physically connected and would form a comprehensive public housing development in the area. As such, the inclusion of the southern portion of the application site would form an integral part of the development. Members noted that the inclusion of the southern part of the site would generate synergy effect for better integration and provision of government, institution or community facilities in the proposed public housing development.

50. After discussion, Members generally agreed to take the above consideration in paragraph 49 as one of the rejection reasons.

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

- “(a) the southern portion of the site is located within an area of existing and planned public housing developments and will be included as an integral part of a comprehensive public housing development which will generate synergy effect for better integration and provision of government, institution or community facilities;
- (b) the proposed rezoning encroaches upon the existing woodland with ecological value and there is no strong justification for including this area in the proposed “Residential (Group B) 8” zone; and
- (c) the applicant has failed to demonstrate that the proposed rezoning would have

no adverse traffic and landscape impacts on the surrounding areas.”

[The meeting was adjourned for a break of 5 minutes.]

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

[Ms Anita W.T. Ma and Professor Eddie C.M. Hui arrived to join the meeting at this point.]

Agenda Item 5

[Open Meeting]

Proposed Amendments to the Approved Tai Po Outline Zoning Plan No. S/TP/24
(RNTPC Paper No. 6/14)

52. The Secretary reported that the item involved proposed amendments to the approved Tai Po Outline Zoning Plan (OZP). Dr. W.K. Yau had declared an interest in this item as he owned properties/land at Kwong Fuk Road and Cheung Shue Tan Tsuen. The Secretary also said that the item involved amendments to some sites which would be rezoned for public housing developments by the Housing Department (HD) as the executive arm of the Hong Kong Housing Authority (HKHA). Moreover, the sites also involved a section 12A application which was submitted by the subsidiary of Sun Hung Kai Properties Limited as discussed under Agenda Item 4. The following Members had declared interests in this item:

- | | | |
|--------------------------------|---|--|
| Mr K.K. Ling
(the Chairman) | - | as the Director of Planning, being a member of the Strategic Planning Committee (SPC) and the Building Committee of the HKHA |
| Ms Anita K.F. Lam | - | being an alternate member for the Director of Lands who was a member of the HKHA |

- Mr Frankie W.P. Chou - being an alternate member for the Director of Home Affairs who was a member of the SPC and the Subsidized Housing Committee of the HKHA
- Mr H.F. Leung - having current business dealings with HD, the executive arm of HKHA
- Professor S.C. Wong - having current business dealings with AECOM
- Ms Janice W.M. Lai - having current business dealings with SHK and AECOM
- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM, C.M. Wong & Associates Ltd. and Environ and being a Director and shareholder of LWK & Partners (HK) Ltd.

53. Members noted that Mr K.K. Ling, Ms Anita K.F. Lam, Ms Janice W.M. Lai, Messrs Frankie W.P. Chou, Ivan C.S. Fu and H.F. Leung refrained from joining the meeting. As Professor S.C. Wong had no direct involvement in the subject application, Members agreed that he could stay in the meeting and continue to chair the meeting.

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

54. The Secretary reported that HD had conducted various technical assessments including Environmental Assessment (EA), Drainage Impact Assessment (DIA), Local Sewerage Network Impact Assessment (LSNIA) and Traffic Impact Assessment (TIA) for the proposed housing developments at Tai Po Area 9 and Chung Nga Road Site (Eastern and Western Parts) (under Amendment Item A). A full set of the technical assessments was deposited at the Secretariat for Members' reference at the meeting.

Presentation and Question Sessions

55. Mr C.T. Lau, STP/STN, presented the proposed amendments to the approved Tai Po OZP No. S/TP/24 as detailed in the Paper, which were summarised as follows:

Proposed Amendments to the OZP

- (a) the amendments of the OZP involved nine sites. Six amendment items were proposed to be rezoned for residential use.

Item A: Tai Po Area 9, Chung Nga Road East (CNRE) and Chung Nga Road West (CNRW) sites from “Government, Institution or Community” (“G/IC”) and “Green Belt” (“GB”) to “Residential (Group A)9” (“R(A)9”)

- (b) several sites in the northern fringe of the Tai Po New Town (about 9.59 ha) were proposed to be rezoned from “G/IC” and “Green Belt” (“GB”) to “Residential (Group A)9” (“R(A)9”) for public housing development (Amendment Items A1 to A4). The sites were subject to a total PR of 6 (of which the non-domestic PR should not exceed 0.5) and a maximum building height of 140mPD. The sites would be developed as a comprehensive public housing development with a total maximum gross floor area (GFA) of 321,000m². The proposed public housing development would provide a total of about 6,350 flats, retail facilities (about 7,100m² GFA), various social welfare facilities and a public transport terminus. Two primary schools (including one proposed at the CNRW site) would also be provided in the area as per the request from the Education Bureau;
- (c) another portion of land (about 0.1 ha) to the south of CNRW site was proposed to be rezoned from “G/IC” to an area shown as ‘Road’ (Amendment Item A5).
- (d) majority of the land within the site under Amendment Item A was Government land except the CNRW site which comprised 0.85ha of private land. Developments in the surrounding areas generally consisted of institutional uses, including the Hong Chi Pinehill Integrated Vocational Training Centre, the Tai Po Hospital and the Nethersole Hospital, as well as public housing developments including Chung Nga Court and Fu Heng Estate;
- (e) HD had undertaken relevant technical assessments (i.e. TIA, DIA, Sewerage Impact Assessment (SIA), Air Ventilation Assessment (Expert Evaluation) (AVA(EE)), visual appraisal (VA) and EA for the proposed public housing developments in Tai Po Area 9, CNRE and CNRW. The preliminary findings of the technical assessments revealed that the proposed public housing developments would not have significant adverse air

ventilation, visual, drainage and environmental impacts on the surrounding areas. A TIA had been conducted for the proposed public housing developments. The results demonstrated that all the assessed junctions would be operating with acceptable capacity in Year 2027. Improvement works were required for the junction of Chung Nga Road and Chuen On Road. The junction of Chung Nga Road and the access road to Pinehill Village was recommended to be signal controlled with the access upgraded to public road standard. To cope with the future public transport demand generated by the proposed public housing developments, a PTT was proposed at Tai Po Area 9 ;

Item C : Site to the West of Nethersole Hospital

- (f) the site was a piece of Government land with an area of about 0.57 ha located at the junction of Chuen On Road and Chung Nga Road;
- (g) it was proposed to rezone the site from “GB” to “R(A)10” subject to a maximum domestic PR of 6 and a maximum non-domestic PR of 9.5 with composite formula applied, and a maximum building height of 110mPD. It was expected that the site could provide about 680 flats. A 15m-wide non-building area (NBA) was proposed at the site;

Item D : Site near Fung Yuen

- (h) the site was a piece of Government land with an area of 4.78 ha located at the eastern part of Fung Yuen Valley at the sub-urban fringe of Tai Po New Town. The southern portion of the site was being used by the Society of Horticulture (Hong Kong) Limited. The northeastern portion of the site was a gentle sloping area and largely a plantation woodland. To the south of the site was the Tai Po Industrial Estate and to the west at Fung Yuen Valley were villages and the Fung Yuen Comprehensive Development Area (CDA) development;
- (i) it was proposed to rezone the site from “GB” and “G/IC” to “Residential (Group C)10” (“R(C)10”) with a maximum domestic GFA of 43,500m² and a maximum building height of 7 storeys. The site could provide about 620 flats;

Item E : Site at Lo Fai Road near Tycoon Place

- (j) the site was a piece of Government land with an area of about 4.13 ha located at Lo Fai Road within a low-rise residential neighbourhood such as Casa Marina I and II, Tycoon place, Richwood Park and Forest Hill. The site was previously a borrow ground and it was reinstated as woodland;
- (k) it was proposed to rezone the site from “GB” to “R(C)9” with a maximum GFA of 46,200m² and a maximum building height of 5 storeys. It was expected that the site can provide about 660 flats;

Item F : Site at Lai Chi Shan

- (l) the site was a piece of Government land with an area of about 4.25 ha located to the south of Tolo Highway and to the east of Lai Chi Shan Village. The northern portion of the site was being used as temporary works areas by the Highways Department and Water Supplies Department. The central and southern portions mainly comprised vegetated land. The site was surrounded by a mixture of low and high-density residential developments such as Tak Nga Court, King Nga Court, The Paramount and J C Castle;
- (m) it was proposed to rezone the site from “GB” to “Residential (Group B)8” (“R(B)8”) with a maximum GFA of 107,100m² and maximum building heights of 100mPD at the northern portion and 80mPD at the southern portion. The site could provide about 1,785 flats. Based on the recommendation of an AVA(E), two NBAs of 15m wide and a NBA of 30m wide were proposed to be incorporated so as to facilitate air flow from the east and southeast into Lai Chi Shan and Wun Yiu;

Item G : Site near Yat Yiu Avenue

- (n) the site was a piece of Government land with an area of about 2.09 ha located near the junction of Tai Po Road and Yat Yiu Avenue. The site was a wooded knoll overlooking Tolo Harbour. To the north of the site was a helipad serving Strafford House which was being used as the CLP Power’s system control centre, staff quarters and management training centre. The site was surrounded by low-rise residential developments such as Emerald Palace, Kingston Hill and L’utopie;
- (o) it was proposed to up zone the site currently zoned “R(C)” with a PR restriction of 0.6 to “R(C)7” with a maximum GFA of 20,000m² and a

maximum building height of 7 storeys. The site could provide about 280 flats;

Item H : Site at Kon Hang near Cheung Shue Tan

- (p) the site with an area of about 2.54 ha was located in a valley to the west of Tai Po Road near Cheung Shue Tan. It comprised of a Government site of about 1.1 ha which was proposed for land sale and the adjacent areas of about 1.4 ha of private sites and land under government licences and short term tenancies;
- (q) it was proposed to rezone the site from “GB” to “R(C)8” with a maximum PR of 1.5 and a maximum building height of 120mPD. The Government site would provide about 150 flats;

Item J : Site at Po Heung Street

- (r) the Hong Kong Federation of Youth Groups (HKFYG) had proposed to redevelop the Tai Po Lions Space for Participation, Opportunities and Training site at Po Heung Street into a youth hostel cum youth centre;
- (s) to facilitate the implementation of the proposal, it was proposed to rezone the site (0.04 ha) currently zoned “G/IC” and subject to a maximum building height of 2 storeys to “G/IC(2)” with a maximum domestic GFA of 2,412m², a maximum non-domestic GFA of 1,040m² and a maximum building height of 80mPD (Amendment Item J1), with ‘Residential Institution’ (Hostel and Dormitory only) use put under Column 1 of the Notes for this zone. Opportunity was also taken to rezone the adjoining Po Heung Lane (an area of about 0.1 ha) from “G/IC” to an area shown as ‘Road’ (Amendment Item J2);
- (t) Government departments consulted had no adverse comment on this proposed amendment and they confirmed that the proposed development would not induce any insurmountable problems on the traffic, environmental, sewerage, drainage and water supplies aspects;

Item B : Site at Hong Chi Pinehill Village

- (u) the site was located at the northern fringe of Tai Po New Town. It formed part of Hong Chi Pinehill Village operated by the Hong Chi Association (the then HK Association for the Mentally Handicapped). To provide better

services to the community, amongst other redevelopment proposals, part of the Integrated Vocational Training Centre (IVTC) at Pinehill Village would be redeveloped into a 8-storey new social service centre including the ITVC, a 200-place hostel for Severely Mentally Handicapped Persons, a 200-place day activity centre and a 180-place integrated vocational rehabilitation services centre;

- (v) the site with an area of about 0.87 ha was located at the southeastern portion of Hong Chi Pinehill Village which was zoned “G/IC” and restricted to a maximum building height of 4 storeys. To facilitate the implementation of the redevelopment proposal, it was proposed to revise the maximum building height restriction covering the site from 4 storeys to 8 storeys;

Technical Aspects of the Proposed Amendments

- (w) Government departments consulted had no adverse comments on the proposed amendments and they confirmed that the proposed residential and other developments would not induce any insurmountable problems on the traffic, environmental, sewerage, drainage and water supplies aspects;

Overall Planning Implications

- (x) with the proposed zoning amendments for residential developments, it was estimated that a total of about 6,350 public and 4,175 private housing flats could be provided to accommodate an additional population of about 29,500;

Departmental Consultation

- (y) the proposed amendments had been circulated to relevant Government bureaux/departments for comments. They had no objection to or no adverse comments on the proposed amendments. The comments of the Government departments had been incorporated, where appropriate;

Public Consultation

- (z) the Environment, Housing and Works Committee (EHWC) of the Tai Po District Council (TPDC) was consulted on the amendments (Amendment Items A1 to A2, C to H) on 8.1.2014. Members generally supported the proposed amendments whilst some members were concerned on the traffic problems arising from the proposed housing developments and requested to provide more car-parking spaces in the area;

- (aa) the Tai Po Rural Committee (TPRC) was consulted on the amendment Items F, G and H on 4.2.2014. Whilst they had no in-principle objection to Items F and G, the representatives of Cheung Shue Tan and Tai Po Mei were concerned that the proposed rezoning of the site at Kon Hang would affect the *fung shui* of their villages and expressed that more rural land within “GB” should also be rezoned for village type development;
- (bb) the EHWC was further consulted on the amendments (Amendment Items A, C to H) on 13.2.2014. Some objections to the Lo Fai Road site were received from nearby owners incorporations and green group. Some members had strong reservation on the public housing developments at the CNRW site as the site involved private land, and private property rights should be respected. Some members considered that the proposed public housing developments should proceed in a progressive manner without overstraining the infrastructural capacity of the area;
- (cc) on 12.3.2014, HKFYG consulted EHWC of TPDC on their proposed youth hostel cum youth centre development at Po Heung Street, TPDC members generally had no adverse comment on the youth hostel scheme but some advised that the site should be better utilised with higher PR to provide more hostel units to meet the aspiration of the working youth and consideration should be given including the adjoining basketball court into the proposed scheme;
- (dd) on 4.3.2014, the representatives of the owners’ incorporations of Forest Hill, Richwood Park, Casa Marina I & II and Tycoon Place together with a district councillor raised objection to the proposed rezoning to the site at Lo Fai Road. They considered that the site should be retained for open space purpose and the proposed residential development was not compatible with the existing low-density residential developments in the area. They also had concern on whether the existing road infrastructure in the area could have sufficient capacity to accommodate the additional traffic to be brought by the new development;
- (ee) the views of TPDC had been incorporated into the proposed amendments as and where appropriate; and

(ff) the TPDC (or its sub-committee) and TPRC would be consulted after gazetting of the amendments to the OZP during the exhibition period.

56. In response to the Vice-chairman's question regarding the need of a proposed school at CNRW, Mr Anthony K.O. Luk said that the Government proposed to rezone three sites at Tai Po Area 9, CNRW and CNRE for public housing developments. After the implementation of the public housing development, there would be more than 19,000 additional population in the area. The population threshold in the 6-11 age group would require more than one primary school in the area. As such, it was necessary to provide two schools (one within the CNRW site) in the area.

57. The Vice-chairman asked why the proposed school site at CNRW was rezoned to "R(A)9" instead of "G/IC". Mr Anthony K.O. Luk said that the proposed rezoning of the site to "R(A)9" was to facilitate the development of one residential block and one primary school within the CNRW site. The inclusion of the proposed school in the "R(A)9" zone would allow HD to develop the site as part and parcel of the comprehensive public housing development. Moreover, according to the Notes for "R(A)" zone of the OZP, 'School' use was a Column 1 use and would be always permitted.

58. A Member questioned whether the proposed one residential block and one primary school would be materialised. In response, Mr Anthony K.O. Luk said that EDB had confirmed that there was a need to provide two schools in the area in order to cope with the additional demand for school places. The exact layout of the proposed school and one residential block within the CNRW site would be subject to detailed design by HD.

59. A Member noted that the site boundary of the proposed school development at the CNRW site might be subject to revision. This Member enquired whether it was appropriate to rezone the site to "G/IC" so as to ensure the future implementation of the school. Mr Anthony K.O. Luk said that the locations of the school and one residential block were conceptual and would be subject to HD's detailed design. If the site was retained as "G/IC", instead of rezoning it to "R(A)9", there would be less flexibility in the design of the proposed residential block. Moreover, if the site was rezoned to "R(A)9", the area of any part of the site that was intended to be occupied by the proposed school would be deducted from the residential site area for PR calculation. In response to the Vice-chairman's

question, Mr Anthony K.O. Luk said that according to the VA and AVA (EE) conducted by HD, the low-rise school development would provide visual relief within a high-rise and high-density environment and avoid significant adverse visual and air ventilation impacts on the adjoining residential developments.

60. Noted that Members generally supported the provision of a primary school at the CNRW site, the Vice-chairman enquired whether there was any planning mechanism to ensure such school provision, given that the site was proposed to be rezoned as “R(A)9”. Mr Anthony K.O. Luk responded that the requirement for a primary school at the CNRW site would be set out in the Planning Brief to guide the future public housing development on the site.

61. The Secretary said that to address Members’ concern on the provision of a primary school (of about 0.62 ha) at the CNRW site, the Explanatory Statement of the OZP could also be amended to reflect this planning intention clearly.

62. A Member enquired the number of hostel places to be provided in the proposed hostel under Amendment Item J1. In response, Mr Anthony K.O. Luk said that the proposed hostel would provide about 76 hostel places.

63. The same Member said that the existing traffic on Po Heung Street was already heavy. As the public housing development opposite to the proposed hostel would commence soon, this Member expressed concern that the proposed hostel development might further deteriorate the traffic condition in the area. Mr Anthony K.O. Luk said that the proposed hostel would unlikely generate additional traffic to the area as there would only be 76 hostel places and the guests would rely on public transport. There would not be any internal transport facilities provided within the hostel development.

64. In response to this Member’s concern on traffic problems in Tai Po Town Centre, Mr K.C. Siu, the Chief Traffic Engineer (New Territories East), Transport Department (TD) added that TD had conducted a comprehensive Traffic Assessment for Tai Po Town Centre and a vehicular bridge namely Kwong Fuk Bridge would be built to alleviate the traffic congestion in Tai Po Town Centre.

65. A Member noted that the total planned population for Tai Po New Town would be increased after the implementation of the housing developments. Apart from primary school provision, this Member enquired whether there would be any shortfall in other government, institution or community (GIC) facilities and open space provision in the Tai Po area. With reference to Appendix IV of the Paper, Mr Anthony K.O. Luk said that after the additional population intake, there would be sufficient open space provision in the New Town. Regarding GIC facilities, there was a shortfall in the planned provision of primary school classrooms but a surplus of secondary school and kindergarten classrooms. Moreover, the proposed GIC facilities such as primary school and social welfare facilities in the comprehensive public housing development at Tai Po Area 9 and Chung Nga Road would also alleviate the shortage of GIC facilities (including primary school) in the long run.

66. Noting that the existing community centre and sports centre were located at Fu Heng Estate or Chung Nga Court, which were at some distance away from the proposed public housing development particularly the CNRE site, a Member enquired whether these recreational facilities would be provided within the proposed public housing development. Mr Anthony K.O. Luk responded that local open space to serve the design population (i.e. 1m² per person) would be provided within the public housing developments in accordance with the Hong Kong Planning Standards and Guidelines. The local open space would provide active and/or passive recreational uses serving the needs of the local residents.

67. The Vice-chairman enquired about the intention and merits of rezoning the CNRW and CNRE sites for public housing developments. Mr Anthony K.O. Luk said that the CNRW and CNRE sites were rezoned for public housing developments for the following reasons: (i) the sites were located in the northern fringe of Tai Po New Town, the proposed public housing developments served as an extension of the Tai Po New Town; (ii) the sites were located near to Chung Nga Court and Fu Heng Estates with a PR of 5 and the proposed public housing developments at the CNRW and CNRE sites were considered compatible with these high-density residential developments in the surroundings; (iii) the sites were located near to mass transit system which would provide convenience to the working population living in the public housing estates; (iv) community facilities such as clinics and wet markets were provided within the existing public housing developments which could serve the local residents. Moreover, the proposed public housing developments would generate synergy effect for better integration and provision of GIC facilities with the existing public housing

developments such as Chung Nga Court and Fu Heng Estate. Mr Anthony K.O. Luk further said that in the current round of proposed amendment to the OZP, six other sites were proposed for private housing developments. These sites were more appropriate to be rezoned for private residential developments as they were located nearer to the existing low-to medium-density developments.

68. A Member pointed out that the Government had identified “GB” sites in various districts for rezoning for residential use to meet the housing demand. However, the rezoning of the “GB” sites for housing developments would increase the carbon footprint. The Government could also propose and adopt mitigation measures to help reduce the carbon footprint such as carrying out nature park enhancement. In response, Mr Anthony K.O. Luk said that a greening ratio of 20% to 30% would be required under the planning brief or lease conditions as a requirement to provide adequate greening areas in the proposed public housing development. For the private housing developments, the lease conditions would also require the developer to submit landscape master plan/proposals to relevant Government departments for approval. The Secretary supplemented that there was a technical circular adopted by the Government departments, and the developer had to provide compensatory tree planting. Member’s suggestion to reduce the carbon footprints could be referred to the Development Bureau for consideration. Members agreed.

69. A Member noted that a number of “GB” sites, proposed to be rezoned for residential purpose, were close to the country park. This Member enquired how the country park be buffered off from the proposed housing developments. In response, Mr Anthony K.O. Luk said that the lease condition would stipulate a requirement of the submission of landscape master plan/proposal to the satisfaction of relevant Government departments. The concerned Government departments would assess whether the proposed design would have enough buffer between the proposed development and the country park.

70. In response to a Member’s question, Mr Anthony K.O. Luk said that the sites under the proposed amendments were several hundred metres away from the existing Pak Sin Leng Country Park. The Secretary added that the concerned “GB” sites were located at the fringe of the Tai Po New Town and served as an extension to the existing built-up area. They were far away from the country park.

71. After discussion, the Vice-chairman concluded that Members generally agreed to

the proposed amendments to the Tai Po OZP. Members also agreed that the ES of the OZP should be suitably amended to reflect Members' views on the proposed school development at CNRW.

72. After further deliberation, the Committee decided to :

- “(a) agree to the proposed amendments to the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/24 as mentioned in paragraphs 4 and 5 of the Paper;
- (b) agree that the draft Amendment Plan No. S/TP/24C at Attachment II of the Paper (to be renumbered to S/TP/25 upon exhibition) and its Notes at Attachment III of the Paper are suitable for exhibition under section 5 of the Ordinance;
- (c) subject to the refinement as recorded in paragraph 71 above, adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Tai Po OZP No. S/TP/24C as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan; and
- (d) agree that the revised ES at Attachment IV of the Paper is suitable for exhibition together with the draft Tai Po OZP No. S/TP/24C (to be renumbered as S/TP/25 upon exhibition).”

[Mr K.K. Ling, Ms Anita K.F. Lam, Ms Janice W.M. Lai, Messrs Ivan C.S. Fu and H.F. Leung returned to join the meeting at this point.]

[Mr Frankie W.P. Chou left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/501 Temporary Open-Air Public Car Park for a Period of 3 Years in
“Village Type Development” Zone, Lots 1036 S.A, 1156, 1157 S.A,
1168 S.A and 1169 S.A in D.D. 19, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/501)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open-air public car park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open-air public car park could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years until 4.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) parking of heavy vehicles at the site should be prohibited at any time during the planning approval period;
- (b) the preventive measures against water pollution to the upper indirect water gathering grounds should be properly maintained at all times during the planning approval period;
- (c) the development should not cause any water pollution to the upper indirect water gathering ground at any time during the planning approval period;
- (d) the access road leading from the Site to the Lam Kam Road should be properly maintained at all times during the planning approval period;
- (e) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (f) in relation to (e) above, the implementation of the landscape proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2015;
- (g) the submission of the 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 4.10.2014;
- (h) in relation to (g) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2015;
- (i) if any of the above planning conditions (a), (b), (c) or (d) is not complied with at any time during the approval period, the approval hereby given shall

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

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

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

- “(a) the applicant should resolve any land issues relating to the development with the concerned owners of the application site;
- (b) to note the comments of the Director of Environmental Protection that the applicant should refer to the environmental measures in Annex I of the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” which has included water quality impact mitigation measure;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that screen planting area of at least 1m shall be reserved and set back from the application boundary;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that public stormwater drain is not available for connection in the vicinity of the Site. The applicant is required to provide proper stormwater drainage for the proposed car park. Any proposed drainage works, whether within or outside the Site, should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation and to indemnify the

Government against claims and demands arising out of damage or nuisance caused by failure of the system; public sewerage system is not currently available for connection in the vicinity of the application site. However, public sewers are now being laid in Lam Tsuen San Tsuen under DSD's project "Lam Tsuen Valley Sewerage";

- (e) to note the comment of the Commissioner for Transport that the nearby access road is not under management of the Transport Department;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing vehicular access road from Lam Kam Road to the Site is not a public road maintained by HyD; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant shall carry out the following measures:
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the "Code of Practice on Working near Electricity Supply Lines"

established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/502 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Government Land in D.D. 27, Shuen Wan Sha
Lan, Tai Po
(RNTPC Paper No. A/NE-TK/502)

Presentation and Question Sessions

77. 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 10 and Appendix IV of the Paper and were summarised below:
 - (i) the Commissioner for Transport had reservation on the application. 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 development was not expected to be significant, such type of development outside “V” zone, if permitted, would set an undesirable precedent case for

similar applications in the future. The resulting cumulative adverse traffic impacts could be substantial;

- (ii) the Chief Town Planner/Urban Design, Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The application site was located at the lower foothill of a wooded slope to the northwest of Sha Lan Village. The proposed development would unavoidably require slope cutting, foundation works or site formation, which would likely affect an area larger than the application site, including the root zone of the woodland trees growing on the upper hillside. Also, the proposed house footprint fell entirely within the “Green Belt” (“GB”) zone. The approval of the application would encourage similar applications in the area within the subject “GB” zone, resulting in degradation of existing landscape resources in Sha Lan;

- (d) during the first three weeks of the statutory publication period, 72 public comments from Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, two members of the public, a nearby lot owner, a villager of Sha Lan Village, the Indigenous Inhabitant Representatives (IIR) of Shuen Wan Shan Lan, chairman of Sha Lan Villas Residents Association, 63 residents of Sha Lan Villas as well as a group of 19 house owners of Shalan Villa were received, The IIR requested the Committee to approve the application as the application site was the only Government land available for the applicant to build the NTEH and it was within the village ‘environs’. Other public comments objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and the proposed development would have adverse impacts on the living environment, traffic and road safety, drainage, sewerage, visual, landscape and slope safety aspects as well as generate conflict within the neighbourhood; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:

- (i) the proposed development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. The surrounding area of the application site was predominantly rural in character. There were village houses in the vicinity of the application site. The proposed development was considered not incompatible with the surrounding area. CTP/UD&L, PlanD objected to the application from the landscape planning point of view, since the application site was located at the lower foothill of a wooded slope to the northwest of Sha Lan Village, the proposed development would unavoidably require slope cutting, foundation works or site formation which would likely affect an area larger than the application site, potentially including the root zone of the woodland trees growing on the upper hillside. The applicant failed to demonstrate that the proposed house development would not cause adverse landscape impacts on the surrounding area; and
- (ii) the application did not meet the Interim Criteria for Consideration of Applications for New Territories Exempted Houses in the New Territories and did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would cause adverse landscape impacts on the surrounding area. The approval of the application would encourage similar applications in the area within the subject “GB” zone, resulting in degradation of existing landscape resources in Sha Lan.

78. Members had no question on the application.

79. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 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”) zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the application does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve cutting of slopes and site formation work that would cause adverse impacts on the surrounding natural landscape. The applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/503 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” Zones,
 Lot No. 1060 S.B in D.D. 23, Po Sam Pai Village, Tai Po
 (RNTPC Paper No. A/NE-TK/503)

Presentation and Question Sessions

80. 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 V of the Paper. The Director of Agriculture, Fisheries and Conservation (DFAC) did not support the application from the agricultural point of view as the application site fell partly within “Agriculture” (“AGR”) zone and had high potential for rehabilitation of agricultural activities;
- (d) during the first three weeks of the statutory publication period, two public comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited were received. The commenters objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; there were some landscape changes in the village, any “destroy first, build later” activities

should not be tolerated; the approval of the application would set an undesirable precedent for other similar applications causing cumulative impacts on the area; there was absence of proper sewerage and a lack of access and parking facilities in the area and the proposed development would affect the availability of agricultural area and food supply; 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 raising concerns on the potential adverse impacts on the “AGR” zone, it should be noted that the application site was a piece of vacant and hard paved land; the proposed development complied with the Interim Criteria for Consideration of Applications for New Territories Exempted Houses in the New Territories; concerned Government departments had no adverse comment on the application. The concerns of the commenters could be addressed through imposition of approval conditions to minimise the potential adverse impacts on the surrounding area. Regarding the commenter's concern on the change of landscape in the village, the application site was not the subject of any previous/active enforcement case.

81. Members had no question on the application.

Deliberation Session

82. 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 4.4.2018, 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 the landscape proposals 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.”

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

- “(a) to note the comments of District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval is given by the Committee, LandsD will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to 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 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 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/548 Proposed House (Redevelopment) in “Green Belt” Zone,
Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po
(RNTPC Paper No. A/TP/548)

Presentation and Question Sessions

84. 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 redevelopment of a house;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no

objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from the village representative of Shek Kwu Lung Village was received. He objected to the application on the grounds that the proposed redevelopment would be converted into a columbarium and would possibly lead to traffic congestion in the area; 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 concerns raised in the public comments, there was no indication that the proposed house redevelopment would be converted into a columbarium use. Relevant Government departments had no objection to or no adverse comments on the application.

85. Members had no question on the application.

Deliberation Session

86. 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 4.4.2018, 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 the landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant is required to apply for lease modification for implementation of the development proposal. However, there is no guarantee that such application will be approved. If it is approved by LandsD acting in its capacity as the landlord at its absolute discretion, it will be subject to such terms and conditions, including, amongst others, payment of premium, as may be imposed by LandsD;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drainage and sewerage systems are not available for connection in the vicinity of the subject lot. The applicant is required to maintain the drainage system properly, to rectify the system if it is found to be inadequate, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by Buildings Department (BD); and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comment of the Director of Planning that the applicant should provide vertical greening for the fence wall, particularly on the side abutting Pun Chun Yuen Road;
- (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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure;
 - (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 the comments of Chief Building Surveyor/New Territories West, BD as follows:
- (i) there is no record of approval by the Building Authority for the structures existing at the application site;
 - (ii) if the existing structures are New Territories Exempted House (NTEH) under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), DLO/TP should be in a better position to comment on the application;
 - (iii) before any new building works are to be carried out on the site, prior approval and consent of the BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person

should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);

- (iv) if the existing structures are erected on leased land without approval of the BD (not being a NTEH), they are unauthorized under the BO and should not be designated for any approved use under the subject application;
- (v) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (vi) in connection with (iii) above, the site shall be provided with means of obtaining access thereto from a street and Emergency Vehicular Access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) at the building plan submission stage;
- (vii) if the site abuts on a specified street of not less than 4.5m wide, its permitted development intensity shall be within the permissible plot ratio and site coverage as stipulated in the First Schedule of B(P)R. Otherwise, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage;
- (viii) the sustainable building design requirements and the pre-requisites under PNAP APP-151 & 152 for gross floor area (GFA) concessions would be applicable to the redevelopment. In this connection, any non-mandatory or non-essential plant rooms of the development may be countable for GFA under the Buildings Ordinance subject to their compliance with the above PNAPs;
- (ix) foul water should not be discharged to nearby stream course; and

- (x) formal submission of any proposed new building works for approval and consent under BO is required. Detailed consideration will be made at the building plan submission stage.”

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

Agenda Item 10

Section 16 Application

[Open Meeting]

A/MOS/96 Proposed Residential Institution (Off-campus Student Hostel) with Minor Relaxation of Non-domestic Gross Floor Area Restriction for Ancillary Facilities Serving the Student Hostel in “Comprehensive Development Area (1)” Zone, STTL 502, STTL574 and Adjoining Government Land near Lok Wo Sha, Ma On Shan
(RNTPC Paper No. A/MOS/96C)

88. The Secretary reported that the application was submitted by the City University of Hong Kong and Mr H.F. Leung had declared an interest in this item as he was a part-time lecturer of the City University of Hong Kong. Members noted that the applicant had requested for a deferment of consideration of the application and Mr Leung had no direct involvement in the application. Members agreed that Mr Leung could stay in the meeting.

[Professor S.C. Wong left the meeting temporarily at this point.]

89. The Secretary reported that the application had been deferred for three times for a total of five months. On 17.3.2014, the applicant requested for a further deferment on the consideration of the application for one month to allow additional time for further fine-tuning of the proposed development scheme and revising all relevant impact assessments. Members noted that the applicant had demonstrated genuine efforts in addressing departmental concerns through consultation with concerned government departments,

Education Bureau and submission of technical assessments responding to departmental and public comments and the applicant had prepared a revised scheme. On 11.3.2014, upon the request of the applicant, a pre-submission meeting was held between the applicant and PlanD at which the revised scheme was presented.

90. Members noted that on 23.3.2014, the Double Cove Concern Group submitted a letter to the Secretary of the Board, raising objection to further deferment of the application mainly on the grounds that sufficient time had been allowed for the applicant to prepare further information; the applicant had requested deferral for many times; and the application site was subject to adverse public comments.

91. 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 a further of one month was allowed for preparation of the submission of the further information, and since a total of six months had been allowed, no further deferment would be granted.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/97 Proposed Minor Relaxation of Gross Floor Area and Building Height Restrictions for Land Sale Site in "Residential (Group B) 4" Zone, Government Land at Ma Kam Street, Ma On Shan
(RNTPC Paper No. A/MOS/97)

92. The Secretary reported that the application was submitted by the Lands Department (LandsD). Ms Anita K.F. Lam had declared an interest in this item for being

the Assistant Director/Regional 3 of Lands Department and Ms Janice W.M. Lai had declared an interest in the item for having current business dealings with LandsD. As the interests of Ms Lam and Ms Lai were direct, Members agreed that they should leave the meeting temporarily.

[Ms Anita K.F. Lam and Ms Janice W.M. Lai left the meeting temporarily at this point.]

[Professor S.C. Wong returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed minor relaxation of gross floor area (GFA) from 15,500m² to 18,600m² and building height restriction from 75mPD to 90mPD for a land sale site;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD) commented that at the Development and Housing Committee meeting of Sha Tin District Council (STDC) held on 3.1.2013, STDC members discussed the rezoning of Ma Kam Street site from “Government, Institution or Community” (“G/IC”) to residential use and requested the holistic planning of community facilities to support the potential population growth. The proposed relaxation of development restrictions would further increase the population pressure on local traffic and community facilities. STDC members might raise the request on the provision of additional community facilities and transport services. The locals might also raise questions on the height profile and visual and environmental impact of the relaxation. Other Government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received. The commenters objected to the application mainly on the grounds that the application site was too small and more suitable for the provision of social welfare facilities; and the proposed minor relaxation of GFA and building height restriction would not have a significant contribution to increasing flat supply and it was not cost-effective to conduct technical assessments and public consultation to support such a minor increase. One public comment was submitted by the Mass Transit Railway Corporation Limited (MTRC) which raised concern on greater number of occupants expected to be affected by rail noise if proper noise mitigation measures were not imposed by the future developer of the application site. MTRC also recommended that the future developer should submit a Noise Impact Assessment and such requirement should be imposed as an approval condition should the application be approved by the Board; 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 public comments on the feasibility of the proposal and appropriate use of the application site, a comprehensive review of the undeveloped “G/IC” sites in the Ma On Shan area had been conducted and due regard had been given to the reshuffling of the undeveloped “G/IC” sites in the area for housing and Government, Institution and Community uses. The proposed site reshuffling was supported by STDC on 3.1.2013.

94. Members had no question on the application.

Deliberation Session

95. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 4.4.2018, 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.

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

- “(a) to note the comments of the Director of Environmental Protection that the future developer has to carry out a Noise Impact Assessment and a Sewerage Impact Assessment and incorporate them in the lease conditions of the application site;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the future developer has to carry out landscaping and incorporate it in the lease conditions of the application site;
- (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; and
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the future developer should provide sufficient parking and loading/unloading facilities within the Site in compliance with the requirements of the Hong Kong Planning Standards and Guidelines.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/98 Proposed Minor Relaxation of Gross Floor Area and Building Height Restrictions for Land Sale Site in “Residential (Group B) 3” Zone, Government Land at Hang Kwong Street, Ma On Shan
(RNTPC Paper No. A/MOS/98)

97. The Secretary reported that the application was submitted by the Lands Department (LandsD). Ms Anita K.F. Lam had declared an interest in this item for being

the Assistant Director/Regional 3 of Lands Department and Ms Janice W.M. Lai had declared an interest in the item for having current business dealings with LandsD. The interests of Ms Lam and Ms Lai were direct. Members noted that the two Members refrained from joining the meeting.

Presentation and Question Sessions

98. 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 minor relaxation of gross floor area (GFA) from 8,910m² to 10,692m² and building height restriction from 50mPD to 60mPD for a land sale site;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD) commented that at the Development and Housing Committee meeting of Sha Tin District Council (STDC) held on 3.1.2013, STDC members discussed the rezoning of Ma Kam Street site from “Government, Institution or Community” (“G/IC”) to residential use and requested the holistic planning of community facilities to support the potential population growth. The proposed relaxation of development restrictions would further increase the population pressure on local traffic and community facilities. STDC members might raise the request on the provision of additional community facilities and transport services. The locals might also raise questions on the height profile and visual and environmental impact of the relaxation. Other Government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received. The commenters objected to the application mainly on the following grounds:

- (i) the site was too small for residential development and it was more suitable for the provision of social welfare facilities;
 - (ii) similar sites were already available in Ma On Shan for residential development;
 - (iii) there was insufficient recreational park in the city centre;
 - (iv) the proposed development with a maximum building height of 60mPD would create wall effect and block the air flow to the surrounding areas;
 - (v) the proposed development would have adverse visual impact on the surrounding area especially Chung On Estate;
 - (vi) the proposed development would create adverse traffic impacts. Hang Kwong Street was narrow and always occupied by illegal parking. The additional traffic flow would exacerbate the traffic congestion problem. There were also concerns over the connectivity of the application site and the transportation network in Ma On Shan; and
 - (vii) the proposed development would create noise nuisance to the nearby schools; 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 public comments on the feasibility of the proposal and appropriate use of the application site, a comprehensive review of the undeveloped “G/IC” sites in the Ma On Shan area had been conducted and due regard had been given to the reshuffling of the undeveloped “G/IC” sites in the area for housing and Government, Institution and Community uses. The proposed site reshuffling was supported by STDC on 3.1.2013. As demonstrated in the indicative layout and visual appraisal, residential

development with the proposed minor relaxation of development restrictions at the application site was feasible. Concerned Government departments had no objection to/no adverse comments on the proposal. Concerning the provision of a recreational park in Ma On Shan, 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. Ma On Shan Park and Ma On Shan Swimming Pool were located in the city centre. As regards the impacts on air ventilation, visual, traffic capacity and traffic noise, the proposed development with increased GFA and building height would not have adverse impacts on these aspects.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board. The permission should be valid until 4.4.2018, 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.

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

- “(a) to note the comments of the Director of Environmental Protection that the future developer has to carry out a Noise Impact Assessment and a Sewerage Impact Assessment and incorporate them in the lease conditions of the application site;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the future developer has to carry out landscaping and incorporate it in the lease conditions of the application site;
- (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; and

- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that the future developer should provide sufficient parking and loading/unloading facilities within the Site in compliance with the requirements of the Hong Kong Planning Standards and Guidelines.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/ST/805 Proposed Public Utility Installation (Sewage Pumping Station) in
“Green Belt” Zone, Government Land in D.D. 171, Kau To, Sha Tin
(RNTPC Paper No. A/ST/805C)

102. The Secretary reported that the application was submitted by the Drainage Services Department. AECOM Asia Co. Ltd. (AECOM) was the consultant of the applicant. Professor S.C. Wong, Ms Janice W.M. Lai and Mr Ivan C.S. Fu had declared interests in this item as they had current business dealings with AECOM. Members noted that Professor S.C. Wong, Ms Janice W.M. Lai and Mr C.S. Fu had no direct involvement in the subject application. Members agreed that they could stay in the meeting and noted Ms Lai had not yet returned to the meeting.

103. The Secretary said that on 5.4.2013, the application was deferred by the Committee pending the submission from the applicant on the feasibility of retaining a *Cinnamomum camphora* (樟樹) to be affected by the project and the kinds of trees that needed to be felled under the two other options tested by the applicant. On 5.7.2013 and 8.8.2013, the applicant submitted further information (FI). The application was subsequently considered and further deferred by the Committee on 16.8.2013 pending submission from the applicant in exploring alternative layout and configuration of the proposed Sewage Pumping Station with a view to protecting the concerned tree. On 24.2.2014 and 28.3.2014, the applicant submitted FI including section plans and

photomontages of the proposed Sewage Pumping Station in support of the application. Comments from the Urban Design and Landscape Section of the Planning Department (UD&L, PlanD) on the FI submitted by applicant on 28.3.2014 were still being sought. PlanD therefore requested the Committee to defer a decision on the application for three weeks, i.e. until the next Committee meeting on 25.4.2014, to allow sufficient time for consideration of the FI by UD& L, PlanD.

104. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration within three weeks from the date of this meeting, i.e. 25.4.2014.

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

[Ms Anita K.F. Lam and Ms Janice W.M. Lai returned to join the meeting at this point.]

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/123 Proposed Asphalt Plant in "Open Storage" Zone, Lots 20 RP, 21 and
23 RP (Part) in D.D. 88 and Adjoining Government Land, East of Man
Kam To Road, Sheung Shui

(RNTPC Paper No. A/NE-FTA/123D)

105. Members noted that a letter from the planning consultant of the applicant was tabled at the meeting.

Presentation and Question Sessions

106. With the aid of a Powerpoint presentation, Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed asphalt plant;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the poultry slaughtering centre had been shelved and consideration was being made to utilise the subject site for permanent relocation of the AFCD’s Cheung Sha Wan Temporary Wholesale Poultry Market (CSWTWPM). The project was currently pending funding allocation. Although the proposed relocation of the poultry market was still at the feasibility study stage, DAFC had strong reservation on its co-location with an asphalt plant. Due to the latest avian influenza incident in January 2014 and the consequential response from the community calling for separate holding of imported and local poultry, the Government had considered the option of using the area zoned “OU(PSC)” in Fu Tei Au temporarily as a holding area for imported live poultry until the avian influenza testing results were available before releasing them to the wholesale market. Due to the time constraint, efforts were now focusing on an alternative contingency plan of establishing a check point for local chickens in the unfortunate event of similar avian influenza incidents that lead to the closure of the wholesale market in the future;
 - (ii) the Director of Food and Environmental Hygiene (DFEH) commented that asphalt was not a pathogen or veterinary drug, but it would likely be regarded as a contaminant. In general, poultry or food animals should be protected from contamination of physical,

chemical and biological hazards by all means to minimise the food safety risk that might be induced by such contaminants. People should avoid consuming hazard-contaminated food and asphalt plants might produce and release asphalt fumes with potential health hazards. These fumes might affect animals likely causing respiratory irritation or even skin lesion under a short term exposure;

- (d) during the first three weeks of the statutory publication period of the application and further information, 15 public comments were received. Among them, one public comment was submitted by the North District Council member (NDC) who indicated ‘no specific comment’ on the application and requested the administration to consult the residents nearby. The same NDC member submitted a ‘no specific comment’ on the further information. The remaining 10 public comments raised concern/objected to the application mainly on the following grounds:
 - (i) the proposed development would cause adverse environmental impacts.
 - (ii) the odour generated during the manufacturing of the asphalt products might affect the health and well-being of the students and residents nearby;
 - (iii) the proposed development would cause traffic congestion and the width of the existing road could not serve the proposed development; and
 - (iv) the proposed asphalt plant would affect the health of villagers and ‘*fung-shui*’ of the nearby villagers, and bring about odour problem to the residents nearby;
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper which were summarised as follows:

- (i) the application site was located to the immediate north of a site zoned “Other Specified Uses” annotated “Poultry Slaughtering Centre” (“OU(PSC)”) on the Outline Zoning Plan (OZP) originally earmarked for the development of a Poultry Slaughtering Centre (PSC). According to DAFC, the PSC had been shelved but consideration was being made to utilise that the site for permanent relocation of the AFCD’s existing CSWTWPM which was currently pending funding allocation. In this regard, DAFC had strong reservation on the co-location of the proposed poultry market with the asphalt plant under application. Moreover, due to the latest avian influenza incident in January 2014 and the consequential response from the community calling for separate holding of imported and local poultry, the Government was also considering the option of using the application site for “OU(PSC)” in Fu Tei Au temporarily as a holding area for imported live poultry until the avian influenza testing results were available before releasing them to the wholesale market. Owing to time constraint, efforts were now focusing on an alternative contingency plan of establishing a check point for local chickens in Ta Kwu Ling that served to ensure the continued supply of live chickens in the unfortunate event of similar avian influenza incidents that lead to the closure of the wholesale market in future;
- (ii) DFEH considered that though asphalt was not a pathogen or veterinary drug, it would likely be regarded as a contaminant. In general, poultry or food animals should be protected from contamination of physical, chemical and biological hazards by all means to minimise the food safety risk that might be induced by such contaminants;
- (iii) the approval of the proposed asphalt plant on a permanent basis would jeopardise the future land use planning and development in its vicinity and might impose food safety risk to the proposed wholesale

poultry market adjacent to the application site. As there were no similar applications within this part of “OS” zone which had been approved by the Committee or the Board, it would also set an undesirable precedent for similar applications;

- (iv) the site was situated in a rural landscape setting with some open storage uses in its vicinity. The proposed asphalt plant, if approved, would be operated 24 hours daily with a maximum hourly production capacity of 160 tonnes and a maximum delivery rate of 88 tonnes/hour. There would be a maximum of 12 trucks/hour each for material delivery and product collection at the application site. Its nature and scale of operation was totally incompatible with the adjoining “OU(PSC)” zone, be it a slaughter house as originally planned, or for the relocation of the CSWTWPM, together with the holding area for imported live poultry.
- (v) there were local objections to the application from the Indigenous Inhabitant Representatives (IIR) and Residents Representatives of Sheung Shui Heung, IIR and RR of San Uk Ling, 沙嶺村居民福利會, 沙嶺村盂蘭會 and a local villager mainly on the grounds of adverse traffic and environmental impacts, odour and health risk to nearby residents. There were also adverse public comments from individuals/nearby residents, and another NDC member together with IIRs of Sheung Shui Heung for reasons that the proposed development would cause adverse traffic and environmental impacts, affect the health and well-being of the students and residents nearby, the width of the existing road could not serve the proposed asphalt plant, affect the ‘*fung-shui*’ of the nearby villages and bring about odour problem to the nearby residents during its operation.

107. A Member requested for clarification on the comments from the Director of Environmental Protection (DEP) and Director of Food and Environmental Hygiene (DFEH) as DEP considered that the proposed asphalt plant would not cause adverse impacts while DFEH held a contrary view. In response, Mr Wallace W.K. Tang said that DEP had no

further comment on the application from the environmental perspective, including the air, noise, waste or water pollution impacts. The environmental mitigation measures proposed by the applicant were acceptable to DEP. As a site zoned “OU(PSC)” further south of the application site was intended for relocation of AFCD’s CSWTWPM where poultry or food animals might be processed, DFEH was of the view that although asphalt was not a pathogen or veterinary drug, it would likely be regarded as a potential contaminant on the poultry or food animals that might be processed at the “OU(PSC)” site. DFEH’s comments were from the perspective of minimising the food contamination risk.

108. The Member further asked about the current status of the proposals being considered for the “OU(PSC)” site. In response, Mr Wallace W.K. Tang said that AFCD was actively considering the permanent relocation of its CSWTWPM to the “OU(PSC)” site. In addition, due to the latest avian influenza incident in January 2014, the Government had considered the option of using a portion of the “OU(PSC)” site as a holding area for imported live poultry until the avian influenza testing results were available before releasing them to the wholesale market. Further design matters needed to be resolved for establishing the said holding area at the “OU(PSC)” site. Hence, in the interim, the Government had an alternative contingency plan of establishing a check point for local chickens in Ta Kwu Ling farm that would serve to ensure the continued supply of live chickens should the wholesale market need to be closed in future due to similar avian influenza incidents. Nevertheless, the Government was actively pursuing to use a portion of the “OU(PSC)” site for establishing the said holding area for live poultry in the longer term.

Deliberation Session

109. In response to a Member, Mr K.F. Tang (Assistant Director (Environmental Assessment), Environmental Protection Department) said that their department’s main consideration was whether the operation of the proposed asphalt plant would satisfy the Air Pollution Control Ordinance from air pollution perspective. DFEH’s main concern might be more on the occurrence of accidents during the operation of the asphalt plant or in the delivery of the materials to/from the site that might cause contamination of food to be processed at the “OU(PSC)” site.

110. Members noted that the planning intention of the “OU(PSC)” zone to the

immediate south of the site was clearly for the development of a poultry slaughtering centre. Hence, a proposed asphalt plant would not be compatible with the food processing use intended on the “OU(PSC)” site and the concerns raised by DFEH about food contamination and potential adverse impacts on food safety was a relevant consideration.

111. After further 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 planned land uses in the area; and
- (b) approval of the application would jeopardise the land use planning of the area and set an undesirable precedent for similar applications in the area.”

[Mr F.C. Chan left the meeting temporarily at this point.]

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-FTA/136 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 259 S.C in D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/136)

112. The Secretary reported that on 31.3.2014, the applicant’s representative requested the Board to defer making a decision on the application for one month to allow time for the applicant to address some technical problems in relation to the application. This was the first time that the applicant requested for deferment.

113. 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.

[Mr F.C. Chan returned to join the meeting at this point.]

Agenda Items 16 and 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/137 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" Zones,
Lot 259 S.D in D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/137 and 138)

A/NE-FTA/138 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" Zones,
Lot 259 S.F in D.D. 52, Sheung Shui Wa Shan, Sheung Shui
(RNTPC Paper No. A/NE-FTA/137 and 138)

114. The Committee noted that these two applications were of similar nature as they were for the same use (NTEH- Small House developments) on two lots that were in close proximity. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

115. Mr Wallace W.K. Tang, STP/STN, presented the applications 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 applications from the agriculture point of view as active agricultural activities were noted in the vicinity of the application sites which were of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications. Such type of developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of developments outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in future. The resulting cumulative adverse traffic impacts could be substantial. Notwithstanding the above, the subject applications only involved construction of two Small Houses. C for T considered that the applications could be tolerated unless it was objected on other grounds;
- (d) during the first three weeks of the statutory publication period, three public comments on each application were received. One of which was from a North District Council member who supported both applications as they were good for the villagers. The other two adverse comments were submitted by Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited. They objected to both applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; active agricultural activities were observed in the vicinity and the agricultural land should be retained to safeguard the food supply for Hong Kong; no traffic and environmental assessments had been included in the submissions; and approval of the applications were set undesirable precedents for similar applications, and the cumulative impacts of approving such type of

applications should be considered; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. Although DAFC did not support the applications as active agricultural activities were found in the vicinity of the sites and the sites were of high potential for agricultural rehabilitation, the plots adjacent to the existing village proper were very small and they were separated from the fallow/active agricultural land to the south-west by a local track. The applications generally met the 'Interim Criteria for Consideration of Applications for New Territories Exempted Houses in the New Territories'. The proposed Small House developments were not incompatible with the surrounding rural and village environment; and the proposed developments would not cause adverse impacts on the surrounding areas. There had not been any material change in planning circumstances for the area since the approval of the applications. Regarding the adverse public comments mainly on the planning intention of the "AGR" zone, land use compatibility and possible adverse impacts, concerned Government departments had no objection to or adverse comments on the applications. In response to departmental comments that the proposed development would obstruct the existing local track and footpath and create nuisance to the villagers, the applicants had submitted further information to clarify that the private lots in the vicinity of the application sites could be accessed via the existing footpaths in the north and hence the proposed developments would unlikely affect the villagers in the nearby area.

116. Members had no question on the applications.

Deliberation Session

117. The Vice-chairman said that the footprint of the two proposed NTEH-Small House developments would encroach partly on a local access road and he asked whether the proposed houses would affect pedestrian access in the locality. Mr Wallace W.K. Tang said that the two application sites, which were on private land, would encroach onto a local

unpaved access road. From on-site observation, there were not many villagers using that unpaved access road and the applicants had indicated in their further information that local villagers had alternative pedestrian access to their own village houses.

118. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 4.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Each of the permissions is subject to the following conditions :

Application No. A/NE-FTA/137

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

Application No. A/NE-FTA/138

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

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

Application No. A/NE-FTA/137

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department as follows:

- (i) for provision of water supply to the development, the applicant may need to extend 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 his department's standards; and
- (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD. Part of the Site may locate on an existing road/track;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be proposed along the perimeter to enhance the screening and greening effect; 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 Board where required before carrying out the road works.”

Application No. A/NE-FTA/138

“(a) 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;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend 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 his department's standards; and
 - (ii) the application site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD. Part of the Site may locate on an existing road/track;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as follows:
 - (i) landscape planting should be proposed along the perimeter to enhance the screening and greening effect; and
 - (ii) the existing trees within the Site should be preserved in-situ and protected from damage during construction; 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 Board where required before carrying out the road works.”

Agenda Item 18

Section 16 Application

[Open Meeting]

A/NE-LYT/528 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones,
Lot 1776 in D.D. 76, Ma Mei Ha Leng Tsui, Fanling
(RNTPC Paper No. A/NE-LYT/528)

120. The Secretary reported that on 28.3.2014, the applicant’s representative requested the Board to defer making a decision on the application for two months so as to allow time for the applicant to revise the footprint of the proposed Small House in response to the comments of the Lands Department (LandsD) on the application. This was the first time that the applicant requested for deferment.

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

Agenda Items 19 to 24

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/529 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1823 S.B in D.D. 76, Leng Tsui Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/529 to 534)

A/NE-LYT/530 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1823 S.C in D.D. 76, Leng Tsui Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/529 to 534)

A/NE-LYT/531 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1823 S.D in D.D. 76, Leng Tsui Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/529 to 534)

A/NE-LYT/532 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1823 S.E in D.D. 76, Leng Tsui Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/529 to 534)

A/NE-LYT/533 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1823 S.F in D.D. 76, Leng Tsui Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/529 to 534)

A/NE-LYT/534 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1823 S.G in D.D. 76, Leng Tsui Tsuen,
Fanling
(RNTPC Paper No. A/NE-LYT/529 to 534)

122. The Committee noted that these six applications were of similar nature as they were for the same use (NTEH- Small House developments) on lots that were in close

proximity. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from an agricultural point of view as agricultural land in the vicinity were active and the application sites were of high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications. 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 developments were 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 impacts could be substantial. Notwithstanding the above, the applications only involved construction of six Small Houses. It was considered that the applications could be tolerated unless they were rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, four public comments were received on each of the applications. One of which was submitted by a North District Council member who supported the applications as it would bring convenience to villager(s). Another one was submitted by a general public who raised objection to five out of the six applications (No. A/NE-LYT/530 to 534) on the grounds that the

previous owner of the sites and constructed a fence wall surrounded the sites and it was on Government land. The other two comments were submitted by Kadoorie Farm and Botanic Garden and Designing Hong Kong Limited who objected to all six applications mainly on the grounds that the proposed Small House developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone; the cumulative impact of approving similar types of application in the same “AGR” zone and the loss of land for agriculture should be considered; and no traffic and environmental and drainage assessments had been included in the submissions. The District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals regarding the applications. The Chairman of Fanling District Rural Committee raised objection to the applications as approval of the applications would cause adverse traffic and drainage impacts on the surrounding area, while the Resident Representative of Leng Tsui provided comments that the planning, accessibility and drainage issues should be properly dealt with by the applicants. On the other hand, the Indigenous Inhabitant Representative of Leng Tsui had no comment on the applications; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 11 of the Paper. The applications generally met the Interim Criteria for Consideration of Applications for New Territories Exempted Houses in the New Territories in that more than 50% of the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and there was insufficient land within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen to meet the Small House demand. The proposed Small House developments were not incompatible with the surrounding area which was in a rural landscape setting dominated by village houses, tree groups and farmlands. Significant changes or disturbance to the existing landscape character and resources arising from the proposed development were not anticipated. The proposed developments were also not expected to cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Regarding

the local objection and adverse public comments mainly on the planning intention of “AGR” zone, land use compatibility, and possible traffic, drainage and environmental impact of the proposed development, concerned Government departments had no objection to or no adverse comments on the applications.

124. Members had no question on the applications.

Deliberation Session

125. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 4.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Each of the permissions is subject to the following conditions :

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

For Applications No. A/NE-LYT/530, 532, 533 and 534

(b) the submission and implementation of the landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

For Applications No. A/NE-LYT/529 and 531

(b) the submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:

(i) for provision of water supply to the development, the applicant may need to extend 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 his department's standards; and

- (ii) the application site is located within the flood pumping gathering ground;

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

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the application site is not maintained by her department;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where public sewerage connection may be available via the tapping point "FTH 1008659" provided under Contract No. DC/2006/17. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal aspects of the developments and the provision of septic tanks; 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 Items 25 to 27

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/535 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1773 S.B ss.1 in D.D. 76, Leng Tsui Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/535 to 537)

A/NE-LYT/536 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1773 S.B ss.2 in D.D. 76, Leng Tsui Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/535 to 537)

A/NE-LYT/537 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 1773 S.B ss.4 in D.D. 76, Leng Tsui Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/535 to 537)

127. The Committee noted that these three applications were of similar nature as they were for the same use (NTEH – Small House developments) on lots that were in close proximity. The Committee agreed that these applications could be considered together.

Presentation and Question Sessions

128. Mr Wallace W.K. Tang, STP/STN, presented the applications 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 applications from the agriculture point of view as agricultural land in the vicinity were active and the sites were of high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the applications. 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 development 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 impacts could be substantial. Notwithstanding, the applications only involved construction of three Small Houses, it was considered that the applications could be tolerated;

- (d) during the first three weeks of the statutory publication period, two public comments were received on each of the applications. One of which was submitted by a North District Council member who supported the Small House applications as they would bring convenience to villager(s). Another comment was submitted by Kadoorie Farm and Botanic Garden who objected to the applications mainly on the grounds that (i) the proposed Small House developments were not in line with the planning intention of “AGR” zone; the cumulative impact of approving similar types of application in the same “AGR” zone and the loss of land for agriculture should be considered; and no traffic, environmental and drainage assessments had been included in the submissions. The District Officer (North), Home Affairs Department had consulted the locals regarding the applications. The Chairman of Fanling District Rural Committee raised objection to the applications as approval of the applications would cause adverse traffic and drainage impacts on the surrounding area while the Indigenous Inhabitant Representative of Leng Tsui had no comment on it. The Resident Representative of Leng Tsui provided comments on the applications that the planning, accessibility and drainage issues of the proposed development should be properly dealt with; 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. The applications generally met the Interim Criteria for Consideration of Applications for New Territories Exempted Houses in the New Territories in that more than 50% of the footprints of the proposed Small Houses fell entirely within the village ‘environs’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and there was insufficient land within the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. The proposed Small House developments were not incompatible with the surrounding area which was in a rural landscape setting dominated by village houses, tree groups and farmlands. Significant changes or disturbance to the existing landscape character and resources arising from the proposed developments were not anticipated. The proposed developments were also not expected to cause significant adverse traffic, environmental and drainage impacts on the surrounding areas. Regarding the local objection and adverse public comment mainly on the planning intention of “AGR” zone, land use compatibility, and possible traffic, drainage and environmental impact of the proposed developments, concerned Government departments had no objection to or no adverse comments on the applications.

129. Members had no question on the applications.

Deliberation Session

130. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 4.4.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted is commenced or the permission is renewed. Each of the permissions is subject to the following conditions :

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

For Application No. A/NE-LYT/535

- (b) the submission and implementation of the landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

For Applications No. A/NE-LYT/536 and 537

- (b) the submission and implementation of the tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:

- (i) for provision of water supply to the development, the applicant may need to extend 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 his department’s standards; and
 - (ii) the application site is located within the flood pumping gathering ground;
- (b) 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;
 - (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the Site is not maintained by her department; and

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

[Ms Anita W.T. Ma left the meeting and Dr Eugene K.K. Chan left the meeting temporarily at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/466 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 676 in
D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/466)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as agricultural activities in the

vicinity were active and the application site was of high potential for agricultural rehabilitation. The Commissioner for Transport had reservation on the application. 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 development 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 impacts could be substantial. Notwithstanding, the application only involved construction of a Small House, it was considered that the application could be tolerated;

- (d) during the first three weeks of the statutory publication period, three public comments were received. One public comment was submitted by a North District Council member who supported the application as it offered convenience to the villagers. Another two public comments were submitted by Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited who objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “AGR” zone; the potential cumulative impacts of approving Small House development in the same “AGR” zone should be considered; no traffic and environmental impact assessment had been conducted; and the area of agricultural land in Hong Kong should not be further reduced to safeguard the food supply in Hong Kong. The District Officer (North), Home Affairs Department (DO(N), HAD) had consulted the locals regarding the application. The indigenous Inhabitant Representative of Lei Uk Tsuen supported the application but commented that the existing access road leading to the site fell within private land; 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. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the footprint of the proposed Small House fell entirely within the

village ‘environs’ to the east of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen. Hence, sympathetic consideration could be given to the application. The proposed Small House development was not incompatible with the surrounding area which was in rural landscape setting dominated by village houses, farmland and tree groups. As the application site was formed and there was no existing tree within the application site, significant changes or disturbance to the existing landscape character and resources arising from the proposed developments were not anticipated. The proposed Small House development was also not expected to have significant adverse impacts on the traffic, environment and drainage of the surrounding areas. There were adverse public comments received regarding the planning intention of “AGR” zone, potential cumulative impacts of approving Small House development in the same “AGR” zone, no traffic and environmental assessment had been conducted; and the possible reduction of agricultural land in the territory. Concerned Government departments had no objection to or no adverse comments on the application.

133. Members had no question on the application.

Deliberation Session

134. 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 4.4.2018, 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 a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department on the following:
 - (i) for provision of water supply to the 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 his department’s standards; and
 - (ii) the application site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by 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 Highway Engineer/New Territories East, Highways Department that any access road leading from Ping Che Road to the application site is not maintained by her department; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/467 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 626 S.A. in D.D. 82, Lei Uk Tsuen,
Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/467)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as active farming activities were noted in the vicinity of the site and the site had high potential for agricultural rehabilitation;

 - (ii) 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. CTP/UD&L, PlanD commented that although significant adverse impacts arising from the proposed Small House were not anticipated, approval of the application might set an undesirable precedent of spreading of Small House development outside “Village Type Development” (“V”) zone in an uncoordinated manner and would thus erode the rural landscape character where the site was located;

- (iii) the Commissioner for Transport had reservation on the application. Such type of development should be confined within the “V” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding the above, the application only involved construction of one Small House. It was considered that the application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, three public comments were received. One of which was received from a North District Council member who supported the application as it was good for the villagers. The other two public comments received from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited raised objection to the application on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and Small House development should be confined within the “V” zone; the Board should consider the cumulative impact of approving such applications; the Government should protect and conserve Hong Kong’s farmland to safeguard our food supply and the submission had not included relevant technical assessments to demonstrate that the proposed Small House would not result in unacceptable impacts on the surroundings; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper and were summarised below:
- (i) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. DAFC did not support the application from the agricultural development point of view as active farming activities were found in the vicinity of the application site within the subject “AGR” zone;
 - (ii) noting that the application site was an existing farmland and there was a fruit tree at the corner, CTP/UD&L, PlanD had reservation on the proposed development from the landscape planning point of view and considered that approval of the application might set an undesirable precedent of spreading village development outside the “V” zone which would erode the rural landscape character of the area. C for T also considered that such type of Small House development should be confined within the “V” zone as far as possible. He further advised that permitting such type of Small House development outside the “V” zone would set an undesirable precedent for similar applications in the future. The cumulative adverse traffic impact could be substantial;
 - (iii) the application did not meet the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that although the proposed Small House footprint fell entirely within the village ‘environs’ to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen, the proposed Small House development would frustrate the planning intention of the “AGR” zone where active agricultural activities were found. It was

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

- (iv) there were no similar applications within this part of “AGR” zone which had been approved by the Committee or the Board, the approval of the current application would set an undesirable precedent, the cumulative effect of approving these applications would result in the loss of agricultural land and adverse traffic and landscape impacts on the surrounding area;
- (v) there were adverse public comments on the application concerning the planning intention of the “AGR” zone and possible adverse impacts on the surrounding areas;

137. Members had no question on the application.

Deliberation Session

138. 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” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House

development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/468 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 626 R.P. in
D.D. 82, Lei Uk Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/468)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as active farming activities were noted in the vicinity of the site and the site had high potential for agricultural rehabilitation; and
 - (ii) 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. According to the site visit on 4.3.2014, it was noted that the site was an existing farmland. With reference to the aerial photo, the site was situated in an area of rural landscape character dominated by tree groups, active farmland and temporary structures. Although significant adverse impacts arising from the proposed Small House were not anticipated, approval of the application might set an undesirable precedent of spreading of Small House development outside “Village Type Development” (“V”) zone in an uncoordinated manner and would thus erode the rural landscape character where the site was located;

- (d) during the first three weeks of the statutory publication period, three public comments were received. One of which was received from a North District Council member who supported the application as it was good for the villagers. The other two public comments received from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited who raised objections to the application on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and Small House development should be confined within the “V” zone; the Board should consider the cumulative impact of approving such applications; the Government should protect and conserve Hong Kong’s farmland to safeguard our food supply; and the submission had not included relevant technical assessments to demonstrate that the proposed Small House would not result in unacceptable impacts on the surroundings; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper and were summarised as follows:
 - (i) the proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purpose. It 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 an agricultural development point of view as active farming activities were found in the vicinity of the site within the subject “AGR” zone;

- (ii) noting that the site was an existing farmland and active agricultural activities were found in the vicinity, CTP/UD&L, PlanD had reservation on the proposed development from the landscape planning point of view and considered that approval of the application might set an undesirable precedent of spreading village development outside the “V” zone which would erode the rural landscape character of the area;

- (iii) the proposed development did not meet the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that although the proposed Small House footprint fell entirely within the village ‘environs’ to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen, the proposed Small House development would frustrate the planning intention of the “AGR” zone where active agricultural activities were found. It was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. There were no similar applications within this part of “AGR” zone which had been approved by the Committee or the Board, the approval of the current application would set an undesirable precedent, the cumulative effect of approving these applications would result in loss of agricultural land and adverse traffic and landscape impacts on the surrounding area.

140. Members had no question on the application.

Deliberation Session

141. 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” zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/469 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lots 1085 S.A., 1086 S.A., 1088 S.A. RP(Part), 1088 S.A. ss.17(Part) in D.D. 82, Tong Fong Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/469)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view as the site had high potential for agricultural rehabilitation and agricultural activity was noted in the vicinity of the subject site. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of four public comments were received. Two public comments from two North District Council members were received. Both of them supported the application as the proposed Small House helped meet the housing need of villagers. The other two adverse comments were from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” zone; active agricultural activities were observed in the vicinity and the agricultural land should be retained to safeguard the food supply for Hong Kong; due to failure to provide sewerage system, cumulative impact of seepage from septic tanks would cause adverse impact to the ground water and nearby water bodies; and approval of the case would set an undesirable precedent for similar applications and the cumulative impact of approving such type of applications should be considered. The District Officer (North) advised that the incumbent District Council member supported the application while the Ta Kwu Ling District Rural Committee and the Indigenous Inhabitant Representative of Tong Fong had no comments on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

As regards DAFC's comments of not supporting the application, the proposed Small House was located adjacent to the existing village proper of Tong Fong Village and was considered not incompatible with the surrounding rural area dominated by farmland, village houses and tree groups. It was also noted that the site was surrounded by approved Small House developments. Regarding the adverse public comments, the proposed Small House development would not have significant adverse impacts on the traffic, environment and drainage of the surrounding area. Relevant government departments had no adverse comment on or no objection to the application.

143. A Member asked why the septic tank was proposed to be located far away from the building. In response, Mr Wallace W.K. Tang, STP/STN, said that the proposed house was located adjacent to a river, and to satisfy the Environmental Protection Department's guidance notes, the septic tank had to be located at least 15m away from the river.

Deliberation Session

144. 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 4.4.2018, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public

sewerage connection is available;

- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend 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 his department’s standards; and
 - (ii) the application site is within the flood pumping gathering ground;
- (d) to note the comments of the Director of Environmental Protection that the design and construction of the septic tank and soakaway pit system shall meet the requirements as set in the ProPECC PN 5/93. Besides, since the proposed septic tank and soakaway system is located in the public access, consent from the owner(s) of the public access for the installation and future maintenance of the septic tank and soakaway system should be obtained;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that access road leading from Ping Che Road to the subject site is not maintained by HyD; and
- (f) 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.”

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

[Professor C.M. Hui left the meeting at this point.]

Sai Kung and Islands District

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Ms Lisa L.S. Cheng, Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), and Mr Gary T.S. Lui, Town Planners/Sai Kung and Islands (TP/SKIs), were invited to the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TKO/96	Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Green Belt” Zone and an Area Shown as ‘Road’, Lot 146 in D.D. 224 and Adjoining Government Land, Tseung Kwan O (RNTPC Paper No. A/TKO/96A)
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Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed social welfare facility (residential care home for the elderly (RCHE));
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper and summarised as follows:
 - (i) the Director of Social Welfare (DSW) advised that the proposal had to comply with the Residential Care Homes (Elderly Persons) Regulation that every RCHE should be accessible by emergency services. The applicant had proposed that the open platform abutting Hang Hau Road would be used for emergency Vehicular Access for Fire Engine only, and the loading/unloading for other emergency or non-emergency vehicles such as ambulance, Easy-Access Transport Services and other vehicles would be at the western curbside of Hang Hau Road 120m away from the main entrance on the G/F of the Building. In this connection, the entrance at G/F of the subject building could not serve the purpose of “accessible by emergency services” and therefore could not be accepted as reached by emergency services from licensing point of view;
 - (ii) the Director of Environmental Protection (DEP) advised that the application site was very close to Hang Hau Road and subject to potential traffic noise impacts exceeding the Hong Kong Planning Standard and Guidelines (HKPSG) criteria. As the application did not include any assessment on traffic noise, it would not be prudent to approve the subject planning application. In view of that the mitigation might involve the provision of central air-conditioning and selection of air in-take, he did not support conditional approval of the application at this stage. If central air-conditioning was not adopted, a traffic noise impact assessment would be required to demonstrate practicable noise mitigation measures for the site to

ensure noise sensitive use would meet relevant noise criteria under the HKPSG. There was no adequate information to demonstrate that the proposed development would meet relevant standards and criteria for traffic noise impacts. He therefore did not support the application;

- (iii) the Commissioner for Transport (C for T) had reservation against the portion of the development which fell within an area shown as ‘Road’ as it may contravene the planning intention of making allowance for the possible future widening of Hang Hau Road. He also had reservation on the practicality and effectiveness of the proposed alternative loading/unloading arrangement as the section of Hang Hau Road fronting the subject site was close to a tight bend and was a single two-way carriageway road with two traffic lanes separated by double white lane. Any vehicle stops and waits at this road section would likely cause serious obstruction or safety hazard to other motorists. It was proposed that the existing platform would be used for emergency vehicles such as Fire Engine only. While the applicant should demonstrate to the relevant authority that the platform was structurally safe to sustain the additional vehicular loading, any emergency vehicle other than Fire Engine accessing to/from the podium would involve potential dangerous reversing movements from/to Hang Hau Road. As regards the alternative locations for loading/unloading and pick-up/set-down, the applicant had not demonstrated that a safe traffic and transport arrangement could be provided for the effective operation of the proposed development. In view of the above, the proposed development was not supported from a traffic engineering perspective; and
- (iv) other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments from a Sai Kung District Council Member and the Chairman of Hang Hau Rural Committee representing 16 local residents, and from a local resident objecting to the application were received. The commenters objected to the application on the grounds of overloading of the existing septic tank as a result of significant population increase from the RCHE thereby causing environmental pollution, lack of vehicular access for ambulance, potential noise nuisance from ambulance, overloading of Hang Hau Road and road safety. The District Officer (Sai Kung) received a letter on 6.11.2013 from the residents of Hang Hau Road regarding the subject application which was the same as one of the public comments; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed RCHE was not in line with the planning intention of the “Green Belt” (“GB”) zone. However, the subject village house and platform was built on the site in 1978 before the first gazettal of the Outline Zoning Plan. As the proposed development did not involve any change in the design and external layout of the existing house, or cause further disturbance on the “GB” land, it generally complied with the Town Planning Board Guidelines No.10 in terms of not affecting the existing landscape or causing adverse visual impact. However, C for T had reservation against the portion of the development which might affect the possible future widening of Hang Hau Road. He also considered that the applicant had not demonstrated that a safe traffic and transport arrangement could be provided for the effective operation of the proposed development and hence he did not support the application from traffic engineering perspective as detailed in point (iii) of para. (c) above. As the loading/unloading for other emergency or non-emergency vehicles for the RCHE would be at the western curbside of Hang Hau Road which was only accessible via a footpath and external staircases before reaching the main entrance on the G/F of the building, DSW advised that the building could not comply with the Residential Care Homes (Elderly Persons) Regulation which required that every RCHE should be accessible by emergency

services. As such, the proposal could not be accepted as meeting the requirements from the licensing point of view. DEP also did not support the application as the site was subject to potential traffic noise impacts exceeding the HKPSG criteria and the applicant had not submitted any traffic noise assessment to demonstrate practicable noise mitigation measures for the site to ensure noise sensitive use would meet relevant noise standard under HKPSG.

147. Members had no question on the application.

Deliberation Session

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

- “(a) the application site has no direct vehicular access and no barrier-free access, and no parking or loading/unloading spaces will be provided in the development. The applicant fails to demonstrate that satisfactory traffic and transport arrangements can be provided for the effective operation of the proposed residential care home for the elderly; and
- (b) the application site fronting Hang Hau Road is subject to traffic noise. The applicant fails to demonstrate that the proposed development could meet the traffic noise standard under the Hong Kong Planning Standards and Guidelines.”

[Dr Eugene K.K. Chan returned to join the meeting at this point.]

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-DB/3 Proposed Public Utility Installation (Radio Base Station) in “Green Belt” Zone, Two Small Pieces of Land Adjacent to Covered Service Reservoir near Discovery Valley Road, Lantau (The Remaining Portion of Lot 385 (part) in D.D. 352)
(RNTPC Paper No. A/I-DB/3)

149. The Secretary reported that the Chairman, Ms Anita K.F. Lam and herself had declared interests in this item as they owned properties in Discovery Bay. As the properties of the Chairman, Ms Anita K.F. Lam and the Secretary were at a distance from the subject site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

150. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (radio base station (RBS));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/ Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that there were reservations on the application from the landscape planning perspective as the proposed RBS was close to the existing mature trees, considerable tree root and crown pruning with over 25% tree roots removed, was likely required. Exploration of alternative locations to minimise the adverse landscape impact on the trees was highly recommended. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of 307 public comments were received. Of these public comments, 229 comments supported while 78 comments objected to the application. The supporting comments were mainly based on the grounds that the proposed RBS would improve mobile phone coverage/provide free WiFi services, bring convenience/benefit to both Discovery Bay residents and visitors and would not cause adverse impacts on health and visual. The objecting comments were mainly concerned about the health risks imposed by the proposed RBS (i.e. long-term exposure to radio-frequency emission) on the local residents and adverse visual impacts of the proposed RBS. They considered that there was adequate mobile phone coverage/WiFi services in Discovery Bay and there should be better alternative locations for the proposed RBS. There were also concerns about possible impact on the quality of potable water, possible environmental impacts, inadequate public consultation/opinion survey, the lack of assessment of the possible disturbance to, or limits on future expansion of the existing water storage facilities, confusing information on the intended use of the proposed RBS and the potential cumulative effect of the proposed RBS and the existing telecommunication installations adjacent to the sites. 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 based on the assessments made in paragraph 11 of the Paper. With regard to CTP/UD&L's concern, the applicant had undertaken to shift the application sites to avoid affecting any mature trees. Besides, relevant conditions on submission and implementation of a tree preservation proposal and reinstatement proposal, as well as on avoiding tree felling would be imposed. Most of the objecting commenters were concerned about the health risks imposed by the RBS on the local residents. D of Health advised that according to the World Health Organization, with compliance with the relevant International Commission on Non-Ionizing Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by

telecommunication facilities would not pose any significant adverse effects to workers and the public. D of Health had no adverse comment on the application. According to the Director-General of Communications (DG of C), the Communications Authority had adopted the radiation standards laid down by the ICNIRP as one of the criteria for vetting applications for the installation of RBS. The Office of the Communications Authority (OFCA) had issued a “Code of Practice for the Protection of Workers and Members of Public against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment” for compliance by the operators to make sure the levels of Non-Ionizing Radiation (NIR) generated from their radio equipment at places accessible by the public and operational personnel should meet the ICNIRP radiation standards. The NIR Assessment Report submitted by the applicant indicated that the proposed RBS was within the allowable NIR level of OFCA and would not cause any adverse effect on human’s health. The DG of C commented that estimations on the levels of NIR generated from the proposed RBS as indicated in the NIR Assessment Report complied with the ICNIRP radiation standards.

151. Members had no question on the application.

Deliberation Session

152. 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 4.4.2018, 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 a tree preservation proposal and reinstatement proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) no existing trees at and near the application sites shall be affected/removed/felled without the prior consent of the Director of

Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the applicant will need to apply for a Short Term Waiver, if approved by LandsD acting in its capacity as the landlord at its discretion, which will be subject to such terms and conditions, including the payment of fee/waiver fee as appropriate, as imposed by LandsD. But there is no guarantee from the Government that the approval will be given;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department that (i) before any new building works are to be carried out on the Sites, the prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorized building works. The permissible site coverage and plot ratio for individual site for private developments should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R). If a private site does not abut on a specified street, the development intensity (i.e. plot ratio and site coverage) of the building shall be determined by the BA under Regulation 19(3) of the B(P)R upon formal submission of building plan to BD; (ii) access to the Sites should be clarified under Regulation 5 of B(P)R. The land status of the adjoining lands, footpath, street, etc. should be clarified upon building plan submission; (iii) the proposal should be provided with Emergency Vehicular Access, Site Access and Means of Escape to street, and may need to be resolved with Fire Services Department and LandsD upon building plan submission; (iv) detailed comments under the BO on individual sites for private developments such as permissible plot ratio, site coverage, emergency vehicular access, private streets and/or access roads, open space, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the building plan submission stage;

- (c) to note the comments of the Director-General of Communications that

on-site Non-Ionizing Radiation (NIR) measurement should be conducted by the operator concerned upon completion of the installation of the proposed station to ensure that the level of NIR radiation generated from the proposed station complies with the International Commission on Non-Ionizing Radiation Protection (ICNIRP) radiation standards;

- (d) to note the comments of the Director of Health that the applicant must ensure that the proposed radio base station complies with the relevant ICNIRP guidelines or other established international standards; and

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-DB/4 Proposed Public Utility Installation (Radio Base Station) in
“Residential (Group C) 4” Zone, Lawn Adjacent to Discovery Bay
Road near Beach Village, Phase I Discovery Bay, Lantau (The
Remaining Portion of Lot 385 (part) in D.D. 352)
(RNTPC Paper No. A/I-DB/4)

154. The Secretary reported that the Chairman, Ms Anita K.F. Lam and herself had declared interests in this item as they owned properties in Discovery Bay. As the properties of the Chairman, Ms Anita K.F. Lam and the Secretary were at a distance from the subject site, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

155. With the aid of a Powerpoint presentation, Mr Ivan M.K. Chung, DPO/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (radio base station (RBS));
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the application site was situated in a rather prominent location adjacent to Discovery Bay Road. Whilst a number of public comments on the proposal had raised concerns on the potential impact on the visual amenity of the area, CTP/UD&L, PlanD also had concerns on the visual impact to be imposed by the proposed structure. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period of the application and the further information, a total of 294 public comments were received. Of these public comments, 216 comments supported while 78 comments objected to the application. The supporting comments were based mainly on the grounds that the proposed RBS would improve mobile phone coverage/provide free WiFi services, bring convenience/benefit to both the Discovery Bay residents and visitors, and would not cause adverse impacts on health and visual. The objecting comments were mainly concerned about the health risks imposed by the proposed RBS (i.e. long-term exposure to radio-frequency emission) on the local residents and adverse visual impacts of the proposed RBS. There were adequate mobile phone coverage/WiFi services in Discovery Bay and there should be better alternative locations for the proposed RBS. There were concerns about the possible environmental impacts, inadequate public consultation/opinions survey, inability to improve telecommunication service, confusing information on the intended use of the proposed RBS and the ownership and management issues of the site. 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 based on the assessments made in paragraph 10 of the Paper. CTP/UD&L, PlanD's concerns on the visual impact could be addressed by incorporating a planning condition for the provision of screening planting at the surrounding areas of the site. Most of the objecting comments were concerned about the health risks imposed by the RBS on the local residents. The Director of Health advised that according to the World Health Organization, with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by telecommunication facilities would not pose any significant adverse effects to workers and the public. The Director of Health had no adverse comment on the application. According to the Director-General of Communications (DG of C), the Communications Authority had adopted the radiation standards laid down by the ICNIRP as one of the criteria for

vetting applications for the installation of radio base stations. The Office of the Communications Authority (OFCA) had issued a “Code of Practice for the Protection of Workers and Members of Public against Non-Ionizing Radiation Hazards from Radio Transmitting Equipment” for compliance by the operators to make sure the levels of Non-Ionizing Radiation (NIR) generated from their radio equipment at places accessible by the public and operational personnel should meet the ICNIRP radiation standards. The NIR Assessment Report submitted by the applicant indicated that the proposed RBS was within the allowable NIR level of OFCA and would not cause any adverse impacts on human’s health. The DG of C commented that estimations on the levels of NIR generated from the proposed RBS as indicated in the NIR Assessment Report complied with the ICNIRP radiation standards.

156. Members had no question on the application.

Deliberation Session

157. 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 4.4.2018, 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 landscape proposal to provide effective screen planting at the surrounding areas of the application site to mitigate adverse visual impact of the proposed radio base station to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the applicant will need to apply for a Short Term Waiver, if approved by LandsD acting in its capacity as the landlord at its

discretion, will be subject to such terms and conditions, including the payment of fee/waiver fee as appropriate, as imposed by LandsD. But there is no guarantee from the Government that the approval will be given;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 1 and Licensing, Buildings Department that (i) before any new building works are to be carried out on the Site, the prior approval and consent from the Building Authority (BA) should be obtained, otherwise they are unauthorised building works. The permissible site coverage and plot ratio for individual site for private developments should comply with Regulations 20 and 21 of the Building (Planning) Regulations (B(P)R). If a private site does not abut on a specified street, the development intensity (i.e. plot ratio and site coverage) of the building shall be determined by the BA under Regulation 19(3) of the B(P)R upon formal submission of building plan to BD; (ii) access to the Site should be clarified under Regulation 5 of B(P)R. The land status of the adjoining land, footpath, street, etc. should be clarified upon building plan submission; (iii) the proposal should be provided with Emergency Vehicular Access, Site Access and Means of Escape to street, and may need to be resolved with Fire Services Department and LandsD upon building plan submission; (iv) detailed comments under the BO on individual sites for private developments such as permissible plot ratio, site coverage, emergency vehicular access, private streets and/or access roads, open space, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the building plan submission stage;
- (c) to note the comments of the Director-General of Communications that on-site Non-Ionizing Radiation (NIR) measurement should be conducted by the operator concerned upon completion of the installation of the proposed station to ensure that the level of NIR radiation generated from the proposed station complies with the International Commission on Non-Ionizing Radiation Protection radiation standards; and
- (d) to note the comments of the Director of Health that the applicant must

ensure that the proposed radio base station complies with the relevant International Commission on Non-Ionizing Radiation Protection guidelines or other established international standards;

- (e) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For a site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractor(s) 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 contractor(s) when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NEL/5 Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in "Undetermined" Zone, Lot No. 30 in D.D. 362 (Part),
Tsing Chau Wan, Lantau
(RNTPC Paper No. A/I-NEL/5C)

159. The Secretary reported that the application was submitted by Yiu Lian Dockyards with Environ Hong Kong Ltd. (Environ) and RHL Surveyors Ltd. as the consultants of the applicant. Mr Ivan C.S. Fu had declared interest in this item as he had current business

dealings with Environ. Mr H.F. Leung also declared interest in this item as RHL Surveyors Ltd. had made some donations to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, where Mr Leung was working. As Messrs Fu and Leung had no direct involvement in the subject application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Leung had already left the meeting.

Presentation and Question Sessions

160. With the aid of a Powerpoint presentation, Mr Gary T.S. Lui, TP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed concrete batching plant on a temporary basis for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) advised that there were insufficient information and product catalogue to demonstrate that the concrete mixer drum, capable of carrying 8.5m³ of concrete, could fit the proposed 9.04m long vehicle. Moreover, as the proposed concrete mixer trucks could just manage to make the left turn from the access road to Sunny Bay Road at an extremely low speed of 5km/hr, and manoeuvre at the tight bend at the road junction at about 300m south of the Site and negotiate the tight corner radii at the Site access as well as at the junction of the access road and Sunny Bay Road by encroaching onto the opposite lane, there was insufficient information to demonstrate that the increased traffic volume due to the proposed development would not result in unacceptable congestion and road safety concerns. As such, improvement works to the access road might be required to accommodate the higher volume of goods vehicles. The Director of Environmental Protection (DEP) could not lend support to the application at this stage because in the Environmental Assessment (EA), it was

predicted that the annual NO₂ concentration (52-54 µg/m³) at the identified air sensitive receivers would exceed the Air Quality Objectives (AQO) limit of 40µg/m³. The further information submitted had not provided any further information to demonstrate that the new AQO could be met. Moreover, the applicant had not addressed the potential land contamination issue arising from the existing shipyard use of the site. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication periods of the application and the further information, 70 public comments were received. Among them, 25 supported the application whilst the remaining 45 objected to the application. The supporting comments were based on the grounds that the proposed development would increase the supply of concrete in the territory, thereby reducing the cost of concrete and hence the construction cost of developments. An increase in concrete supply would also accelerate the construction of major infrastructure, and increase the job opportunities in Lantau. The objecting comments were concerned that the Site was not a suitable site for the proposed development; and the proposed development was incompatible with the surrounding land uses, contravened the planning intention for the development of leisure and entertainment node at Sunny Bay under the Revised Concept Plan for Lantau (2007), and interfered with the existing shipyard operation. The proposed development might have adverse environmental (air, noise and water), ecological, visual and traffic impacts, especially the impact on the Chinese white dolphin as a result of the increase in marine traffic, which was in close proximity to the habitat of the dolphins. Some commenters were concerned that the proposed development might breach the land grant of the site. Some commenters also considered that the traffic impact assessment (TIA) and EA submitted by the applicant were unrealistic and had doubts on the feasibility of transporting the raw materials by sea. There was also doubt on the temporary nature of the proposed concrete batching plant in view of the scale of investment as well as the applicant's intention to supply concrete to some long-term developments. No local objection/view was

received by the District Officer (Tsuen Wan); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper which were summarised as follows:
 - (i) the application site fell within an area zoned “Undetermined” (“U”) on the Outline Zoning Plan, which could be considered for compatible tourism and recreational uses subject to further study. The purpose was to develop the Sunny Bay area as a gateway to the North-East Lantau tourism area with tourism and recreation related developments complementary to the Hong Kong Disneyland Resort. The Site and its surrounding sea surface was also identified as one of the five potential reclamation sites under the “Enhancing Land Supply Strategy: Reclamation Outside Victoria Harbour and Rock Cavern Development”, which was proposed for development as an entertainment and business node of regional significance. Although the applicant only proposed to develop the site for concrete batching plant use on a temporary basis for a period of 3 years, it was noted that the proposed development was intended to meet the concrete demand induced by major infrastructures and housing development in the years ahead. Given that the proposed concrete batching plant was designed and constructed at a considerable cost, the applicant would likely extend the approval period by submitting renewal applications. As such, approval of the planning application with a high likelihood of further extending the approval period would frustrate the long-term planning intention of the “U” zone;
 - (ii) C for T considered that there were insufficient information and product catalogue to demonstrate that the concrete mixer drum could fit on the proposed 9.04m long vehicle, the manoeuvring of the concrete mixer trucks would not cause delays to opposing traffic, and the increased traffic volume due to the proposed development

would not result in unacceptable congestion and road safety concerns. In addition, Highways Department considered that the proposed development would give rise to an increase amount of heavy goods vehicles using the right-of-way and might thus significantly deteriorate the conditions of the right-of-way. Given the above, the applicant failed to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas; and

- (iii) DEP could not lend support to the application as the EA failed to demonstrate that the proposed development would not have adverse air quality impact in that the predicted NO₂ emission would exceed the new AQO. Also, the applicant had not addressed the potential land contamination issue arising from the existing shipyard use of the site.

161. Members had no question on the application.

Deliberation Session

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

- “(a) the applicant fails to demonstrate in the submission that the proposed concrete batching plant development would only be used on a temporary basis for a period of 3 years. Any extension of the proposed development on the site by submitting renewal applications would frustrate the planning intention of the “Undetermined” zone;
- (a) the applicant fails to demonstrate in the traffic impact assessment that the concrete mixer trucks could smoothly negotiate the tight bends at the road junctions, the manoeuvring of the concrete mixer trucks would not cause delays to opposing traffic, and the increased traffic volume due to the

proposed development would not result in unacceptable congestion and road safety concerns; and

- (b) the applicant fails to demonstrate in the environmental assessment that the proposed development would not result in adverse air and land contamination impacts on the surroundings.”

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/32 Proposed Public Utility Installation (above Ground Gas Governor Kiosk) and the Associated Excavation of Land (depth 1.3m) in “Green Belt” Zone, Government Land in D.D. 229, Tai Po Tsai, Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/32)

163. The Secretary reported that the application was submitted by the Hong Kong and China Gas Co. Ltd. (a subsidiary of Henderson Land Development Co. Ltd. (Henderson)). The following Members had declared interests in this item:

Professor S.C. Wong] being employees of the University of Hong Kong
Dr Wilton W.T. Fok] (HKU) which had received a donation from a family
Mr H.F. Leung] member of the Chairman of Henderson
Professor K.C. Chau	- being an employee of The Chinese University of Hong Kong (CUHK) which has received a donation from a family member of the Chairman of Henderson
Dr W.K. Yau	- being the Chief Executive Officer of Tai Po Environmental Association Ltd. which has received donation from Henderson

Ms Janice W.M. Lai]
Mr Ivan C.S. Fu] having current business dealings with Henderson

164. Members noted that Ms Janice W.M. Lai had left the meeting and agreed that Mr Ivan C.S. Fu should leave the meeting temporarily as his interest was considered direct. For Professor S. C. Wong, Professor K.C. Chau, Dr Wilton W.T. Fok, Dr W.K. Yau and Mr H.F. Leung, the Committee agreed that they could stay in the meeting as they had no direct involvement in the subject application.

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

Presentation and Question Sessions

165. 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 public utility installation (above ground gas governor kiosk) and the associated excavation of land (depth 1.3m);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comments 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 (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper.

[Dr Eugene K.K. Chan left the meeting temporarily at this point.]

166. Members had no question on the application.

Deliberation Session

167. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 4.4.2018, 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; and
- (b) the construction and maintenance of the proposed crash barrier to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that the proposed development can be covered by a Block Licence granted to the applicant;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to provide landscape reinstatement for the excavation area and provide landscape screening for the proposed structure;
- (c) to note the comments of the Director of Electrical and Mechanical Services that:

Town Gas safety

- (i) the proposed governor kiosk shall be protected against damage arising from traffic accidents as far as practicable;
- (ii) a reasonable distance should be maintained between all doors and

ventilations of the proposed kiosk and adjoining buildings which may constitute a source of hazard. The applicant shall follow the general safety requirements for pressure-regulating installations as stipulated in Regulation 21 of the Gas Safety (Gas Supply) Regulations (Cap. 51B); and

Electricity Supply

(iii) the applicant shall approach the electricity supplier for the requisition of cable plans and/or overhead line alignment drawings, where applicable 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 and/or overhead line alignment drawings obtained, the applicant shall carry out the following measures if there is underground cable and/or overhead line within or in the vicinity of the Site:

- if the Site falls 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 with the electricity supplier is necessary;
- prior to erecting any structure within the Site, the applicant shall liaise with the electricity supplier and, if necessary, request the electricity supplier to divert the underground electricity cable and/or overhead line away from the vicinity of the proposed structure; and
- the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (d) 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 laying of water mains in private lots for the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards.”

Agenda Item 37

Section 16 Application

[Open Meeting]

A/SK-CWBS/15 Proposed Filling of Land and Excavation of Land for a Permitted 2-storey On-Farm Domestic Structure in “Green Belt” Zone, Lot No. 30 (Part) in D.D. 233, East of Clear Water Bay Road, Sai Kung (RNTPC Paper No. A/SK-CWBS/15)

169. The Secretary reported that the application was submitted by the Founder Investment Ltd. with Kenneth Ng & Associates Ltd. as the consultant. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Ltd. The Committee noted that Ms Janice W.M. Lai had left the meeting already.

170. The Committee noted that the applicant requested on 18.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/SK-HC/227 Proposed Houses in "Recreation" Zone and an Area Shown as 'Road', Lots 101 s.A. (Part), 102 s.A., s.B, s.C(Part) & s.E(Part), 103 s.A.(Part) & s.B(Part), 104 s.A & R.P., 105 s.A & R.P., 107 s.A to s.C(Part) & s.D. to s.H., 108 s.A, s.B, s.C. & RP, 109 s.A & R.P., 110 to 111 in D.D.247 and Adjoining Government Land, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/227A)

172. The Secretary reported that the application was submitted by Morerich Resources Ltd. with LWK & Partners (HK) Ltd. as the consultant. Mr Ivan C.S. Fu had declared an interest in this item as he was the Director and shareholder of LWK & Partners (HK) Ltd. Members noted that Mr Ivan C.S. Fu had left the meeting temporarily.

173. The Committee noted that the applicant requested on 25.3.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address departmental comments. This was the second time that the applicant requested for deferment.

174. 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 since a total of three months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/231 Proposed Houses (Two New Territories Exempted Houses) in “Green Belt” Zone, Lots No. 818 and 823 in D.D. 247, Kau Tsing Uk, Sai Kung (RNTPC Paper No. A/SK-HC/231)

Presentation and Question Sessions

175. 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 houses (two New Territories Exempted Houses (NTEHs));
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning viewpoint as the adjacent mature tree group was close to the site and might be affected by the proposed development. Moreover, the cumulative effect of approving similar village type development within “Green Belt” (“GB”) zone would result in a general degradation of the environment and landscape character of the

area. The Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the site was overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). He would tender in-principle objection to the application, unless the applicant was prepared to undertake a NTHS and provide suitable mitigation measures, if found necessary, as part of the proposed development. If the applicant would like to proceed with the proposed development, he was required to submit Geotechnical Planning Review Report (GPRR) in support of the application and to assess the geotechnical feasibility of the proposed development. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. The comments raised objection to the application based on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; it would cause adverse landscape, visual and ecological impacts on the area; and it would set a precedent for similar developments. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Regarding CTP/UD&L’s concerns that the site was close to some mature tree group which might be affected by the proposed development, a planning condition was suggested to address this aspect. The proposed small scale development would not adversely affect the natural landscape of the surrounding areas. To address the concern of H(GEO), CEDD, a planning condition requiring the submission of NTHS and implementation of mitigation measures was recommended. Regarding the public comments, although the proposed development fell within the “GB” zone, no significant landscape resource was found within the site. The Director of Agriculture, Fisheries and Conservation had no strong view on the application from nature conservation point of view. CTP/UD&L

commented that the site was located within a cluster of village type development and the building height restriction of the nearby “Village Type Development” zone was 3 storeys. Taking into account the scale of the proposed development, it was anticipated that there would not be significant adverse visual impact arising from the proposed NTEHs development. The two NTEHs would unlikely set a precedent for other similar application as the proposed development, falling within private house lots, had previously been approved twice for the same development parameters by the Committee in 1998 and 2006 respectively. No other planning application for NTEH within “GB” zone on the Outline Zoning Plan had been approved by the Committee since then.

176. Members had no question on the application.

Deliberation Session

177. 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 4.4.2018, 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 design and provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the provision of septic tank and a soakaway pit for foul effluent disposal at a distance of not less than 30m from any watercourse to the satisfaction of the Director of Water Supplies or of the TPB;
- (c) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission of natural terrain hazard study and implementation of the

mitigation measures recommended therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB.”

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

- “(a) to liaise with the District Lands Officer/Sai Kung, Lands Department (LandsD) regarding Land Exchange of the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that foul effluent of the proposed development should be conveyed in cast iron pipes with sealed joints and hatchboxes for discharging to septic tank and soakaway pit systems;
- (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 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/Mainland South, Drainage Services Department (DSD) that adequate stormwater drainage works should be provided in association with the proposed works not causing adverse drainage impact on the areas in the vicinity, and the Site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present; and
- (e) to note the comments of the Chief Building Surveyor/New Territories East & Rail, Buildings Department that the applicant is reminded that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance, and an Authorised Person must be appointed for the site formation and communal drainage works.”

[Dr Eugene K.K. Chan returned to join the meeting at this point.]

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/208 Proposed Utility Installation for Private Project (for 10 Telephone Poles) and Excavation of Land in “Conservation Area” and “Green Belt” Zones, Access Road from House 18 to Lot 111 in D.D. 219, Kei Pik Shan, Sai Kung
(RNTPC Paper No. A/SK-PK/208)

Presentation and Question Sessions

179. 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 utility installation for private project (for 10 telephone poles) and its associated excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Sai Kung, LandsD (DLO/SK, LandsD) advised that part of the proposed utility installation, i.e. the overhead cable running from poles No. 2 to No. 4, would encroach upon the licensed land under Government Land Permits No. S6197 and S11623. The application was considered not acceptable in view of such encroachment. Lot 111 in D.D. 219 was a non-building lot under the Block Government Lease. A letter of approval was issued on 15.4.2005 to permit the erection of two agricultural structures and such structures should be used only for agricultural purposes and should not be used for domestic, commercial, godown or industrial purposes. 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. According to the site inspection, some trees fell within the

alignment of the overhanging cables and tree pruning and vegetation removal might be required. The applicant failed to provide justifications for the proposed location of the telephone poles (in particular pole No. 2 and 3) and had not demonstrated that there would be no adverse impact on the vegetation adjacent to the application site and along the alignment of overhead cables. The submission had no information on the works area, tree survey, pruning proposal and reinstatement proposal. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment from a Sai Kung District Council member was received. He was worried that the proposed excavation of land and erection of 10 telephone poles would generate adverse impact on existing trees. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed erection of 10 telephone poles and excavation of land mainly fell within an area zoned “Conservation Area” (“CA”) zone (poles No. 4 to 10) with 3 poles falling within the “Green Belt” (“GB”) zone (poles No. 1 to 3). The proposal intended to provide telephone service for Lot 111 in D.D. 219 only. The planning intention of the “CA” zone was intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development. The planning intention of the “GB” zone was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within both the “CA” and “GB”

zones. The proposed utility installation for private project was considered not in line with the planning intentions of the “CA” and “GB” zones;

- (ii) DLO/SK, LandsD advised that the subject lot was a non-building lot under the Block Government Lease and the two agricultural structures should be used only for agricultural purposes and not for domestic purpose. Besides, the existing structures in Lot 111 in D.D. 219 were bigger than those approved by DLO/SK, LandsD in 2005 and the existing use as recorded upon the publication of Pak Kong Interim Development Permission Area Plan No. IDPA/SK-PK/1 in 1990. The proposed telephone service would likely serve a development which might be subject to enforcement action under both the Town Planning Ordinance and the lease;
- (iii) CTP/UD&L, PlanD had reservation on the application as the submission failed to provide justifications for the proposed locations of telephone poles (in particular poles No. 2 and 3) and had not demonstrated that there would be no adverse impact on the vegetation adjacent to the telephone poles and also along the alignment of the overhead cables. There was no information for the works area, tree survey, pruning proposal and reinstatement proposal. The applicant had not demonstrated whether alternative sites or methods (e.g. underground telephone cable) had been explored to avoid impact on the existing wooded area; and
- (iv) the approval of the application would set an undesirable precedent for similar applications in the “CA” and “GB” zones 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.

180. Members had no question on the application.

Deliberation Session

181. 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 application is not in line with the planning intention of the “Conservation Area” (“CA”) and “Green Belt” (“GB”) zones which are intended to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment from the adverse effects of development; as well as to define the limits of urban and sub-urban development areas by natural features, to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within these zones. Only developments that are needed to support the conservation of the existing natural landscape or scenic quality of the area or essential infrastructure projects with overriding public interest may be permitted. The submission fails to provide strong justification for a departure from the planning intention of the “CA” and “GB” zones;
- (a) the applicant fails to demonstrate that there would be no adverse impact on the landscape of the surrounding areas as well as along the alignment of the overhead cable. The proposed development is also considered not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone in that it will involve removal/pruning of trees; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “CA” and “GB” zones. The cumulative effect of approving such applications would result in a general degradation of the landscape of the area.”

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs, Ms Lisa L.S. Cheng, Mrs Alice

K.F. Mak, STPs/SKIs, and Mr Gary T.S. Lui, TP/SKIs, for their attendance to answer Members' enquires. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

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

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/177 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in "Village Type Development" Zone, Lot 1386 S.A, S.B, S.C, S.D, S.E, S.F and RP in D.D. 95, Nos. H56, H57, H59, H62 and H63, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/NE-KTN/177A)

Presentation and Question Sessions

182. 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 social welfare facility (residential care home for persons with disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council (NDC) member indicating no comment on the application. The District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee cum Residents Representative of Ho Sheung Heung and an Indigenous Inhabitants Representatives (IIR) of Ho Sheung Heung raised objection to the application as the RCHD might cause adverse traffic, sewerage and environmental impacts on the surrounding areas and was very noisy during 5 a.m. to 6 a.m.. He also advised that the incumbent NDC Constituency member and another IIR of Ho Sheung Heung had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the concerns of the locals, it was not anticipated that the use under application would cause significant adverse traffic, environmental and sewerage impact on the surrounding area. Relevant Government departments had no adverse comment on the application. As regards the noise nuisance caused by the RCHD during 5 a.m. to 6 a.m., the RCHD had been operating since 2003, and the concerned Government departments had no adverse comment on the application. The applicant responded that while he had not received any complaint since 2003 and the RCHD did not organise any activity around 5 a.m. to 6 a.m., he would look into the matter to ensure that there would be no noise nuisance generated from the RCHD.

183. Members had no question on the application.

Deliberation Session

184. 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 was subject to the following conditions :

- “(a) the submission and implementation of a drainage proposal to the

satisfaction of the Director of Drainage Services or of the TPB;

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

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the 7 lots within the Site under application are Old Scheduled Agricultural lots. The 5 existing houses are covered by Building Licences granted for non-industrial purposes. Other than the 5 existing houses, other structures are in breach of the lease conditions. The owners/applicant shall remove these structures or to apply to their office for approval/permission for the structures erected or to be erected. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that the applications will be approved. If the application is approved, it will be subject to such terms and conditions, including but not limited to payments of premium and fees, as may be imposed by LandsD;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the Site is located within flooding pumping gathering ground;

- (e) to note the comments of the Director of Fire Services that the Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the “Code of Practice for Fire Safety in Buildings 2011” administered by the Buildings Department (BD). Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Commissioner for Transport that the village track connecting the Ho Sheung Heung Pai Fung Road is not under his management. The applicant should check the land status of the access with the lands authority, and clarify its management and maintenance responsibilities with the relevant lands and maintenance authorities;
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ho Sheung Heung Road to the Site is not maintained by his office;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the proposed development;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
 - (i) if the existing structures are erected on leased land without approval of 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;
 - (ii) before any new building works (including 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;

- (iii) 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;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (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; and
 - (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;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (i) for any 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 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.’”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/354 Proposed 6 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 681 S.A, 681 S.B, 681 S.C, 681 S.D, 681 S.E and 681 S.F in D.D. 100, Tsiu Keng Lo Wai,
Sheung Shui
(RNTPC Paper No. A/NE-KTS/354A)

Presentation and Question Sessions

186. 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 six houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the perspective of agricultural development. He advised that the site was part of a large agricultural land located to the north and north-west of Tsiu Keng Village. The agricultural land in the area was generally under active cultivation. Although the site had been left fallow, it had high potential for agricultural rehabilitation. It could be used for crop cultivation with minimal rehabilitation effort since the site had good accessibility where footpaths were well-established and there was a water channel on its eastern side from which water could readily be drawn for irrigation. Approval of the subject application might set an undesirable precedent for similar applications in the future and would further reduce the agricultural land in the area. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape perspective. As the site was situated in an area of rural character dominated by farmland, tree groups and a channelized stream, approval of the proposed application might set an undesirable precedent of spreading village development outside the “Village Type Development” (“V”) zone and would thus erode the rural landscape character. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a total of five public comments were received from a North District Council (NDC) member, Kadoorie Farm & Botanic Garden Corporation (KFBG) and three members of the general public respectively. The NDC member supported the application as it would bring convenience to concerned villagers. KFBG and the three members of the general public objected to the

application on the grounds that the site and its surroundings had high potential for rehabilitation of farmland; supply of farmland should be safeguarded and area of agricultural land in Hong Kong should not be further reduced; the proposed development would require transportation of considerable amount of construction materials and this would lead to a large amount of traffic flow, causing safety problem; and the applicants relied on using an existing narrow village track which was not constructed and owned by the applicants, who should liaise with the owner(s) of the village track. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The application site fell entirely within the “Agriculture” (“AGR”) zone. The proposed Small House development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC did not support the application from the perspective of agricultural development as detailed in para. (c) above. The application had been assessed according to the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria). Although the entire footprints of the proposed six Small Houses fell within the village ‘environs’ of Tsiu Keng Village, the site was located in a green area and it formed part and parcel of a large piece of agricultural land under active or fallow cultivation located to the north and north-west of Tsiu Keng. The proposed Small House development was considered not in line with the Interim Criteria in that it would frustrate the planning intention of the “AGR” zone. There were still 3.13 ha of land (about 125 Small House sites) within the “V” zone of Tsiu Keng Village for Small House development. It was more appropriate to concentrate the proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services.

CTP/UD&L, PlanD had reservation on the application from the landscape perspective. Approval of the application might set an undesirable precedent of spreading village development outside the “V” zone, thus eroding rural landscape character. C for T also shared similar view that such type of Small House development should be confined within “V” zone as far as possible, and advised that such type of development outside the “V” zone, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Moreover, since the first promulgation of the Interim Criteria on 24.11.2000, there had been no approved application for Small House development within the same “AGR” zone to the north of Tsiu Keng Village as areas to the north and north-west of Tsiu Keng Village were generally a green area forming part and parcel of the large piece of active or fallow agricultural land.

187. Members had no question on the application.

Deliberation Session

188. 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” zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and
- (a) land is still available within the “Village Type Development” zone of Tsiu Keng Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the

proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services.”

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/363 Renewal of Planning Approval for Temporary Private Swimming Pool for a Permitted House (New Territories Exempted House (NTEH) – Small House) under Application No. A/NE-KTS/307 for a Period of 3 Years in “Agriculture” Zone, Lot 839 RP in D.D. 100, Hang Tau, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/363)

Presentation and Question Sessions

189. 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) renewal of planning approval for temporary private swimming pool for a permitted house (New Territories Exempted House (NTEH) – Small House) under Application No. A/NE-KTS/307 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from a North District Council (NDC) member and Designing Hong Kong Limited were received. The NDC member had no comment

on the application and he indicated that comments of nearby villagers on the application should be sought, whereas Designing Hong Kong Limited objected to the application on the grounds that the site was zoned “Agriculture” (“AGR”) and it should be reinstated to meet the planning intention of the “AGR” zone; and the site should be used for rehabilitation of farming. The supply of farmland should be safeguarded and urban development should be avoided. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary private swimming pool for a permitted house (NTEH – Small House) could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding the adverse public comment, although the use under application was not in line with the planning intention of the “AGR” zone, the site had been paved and occupied by the swimming pool alongside approved Small Houses in the same “AGR” zone. The Director of Agriculture, Fisheries and Conservation had no strong view on the application from the agricultural point of view as the site in the current condition could hardly be reverted back for agricultural purpose.

190. Members had no question on the application.

Deliberation Session

191. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 16.4.2014 to 15.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the swimming pool should not be open to members of the public;
- (b) the existing drainage facilities should be properly maintained and rectified if found inadequate/ineffective during operation at all times during the

planning approval period;

- (c) the landscape planting within the site should be maintained in good condition at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities implemented under Application No. A/NE-KTS/307 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2014;
- (e) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2014;
- (f) in relation to (e) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2015;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (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; and
- (i) 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.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department that there is no guarantee that the application for Short Term Waiver (STW) to regularise the irregularities on the site would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including payment of STW fee;
- (b) to note the comments of the Commissioner for Transport that the section of Hang Tau Road near the site and the access from Hang Tau Road to the site are not managed by his department. The land status of accesses leading to the site should be checked with the lands authority. The management and maintenance requirements of the same accesses should also be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Hang Tau Road to the site is not maintained by his department;
- (d) to note the comments of the Director of Fire Services as follows:
- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
- (ii) in such circumstances, except where building plan is circulated to the Centralised Processing System of the Buildings Department, the applicant is required to send the relevant layout plans incorporated with the proposed FSIs to his department for approval. In doing so, the applicant should note that:
- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;

- (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforementioned plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a tree near the swimming pool was found in fair condition. The applicant is reminded to conduct regular tree maintenance works within the site and replace any dead landscape plant materials at all times; and
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site is located within the flood pumping gathering ground.

Agenda Item 44

Section 16 Application

[Open Meeting]

A/NE-KTS/364 Proposed Houses in “Comprehensive Development Area” Zone, Lots 1027, 1029, 1030, 1034 S.A, 1034 S.B, 1039 (Part), 1040, 1042 RP, 1043 RP, 1044 RP (Part), 1045, 1047, 2233 (Part), 2251 S.A RP, 2256 RP, 2315 (Part) and 2316 RP (Part) in D.D. 92 and Adjoining Government Land, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/364)

193. The Secretary reported that the application was submitted by Hinying Ltd. with Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) as the consultants of the applicant. Mr Ivan C.S. Fu who had current business dealings with Environ and MVA

had declared an interest in this item. Members noted that the applicant had requested for a deferment of consideration of the application and Mr Fu had no involvement in the subject application. Members agreed that Mr Fu could stay in the meeting.

194. The Committee noted that the applicant requested on 21.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/439 Temporary Public Vehicle Park (Excluding Container Vehicle) for a Period of 5 Years in "Village Type Development" Zone, Lot 225 RP (Part) in D.D. 109, Tai Hong Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/439)

Presentation and Question Sessions

196. 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 temporary public vehicle park (excluding container vehicle) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received. The commenter considered that there were a lot of parking spaces in Kam Tin North and near the Kam Sheung Road MTR station. The public vehicle park would increase the traffic flow and cause safety problems on the pedestrians as the public vehicle park was only accessible via a narrow local track branching off Kam Tin Road. 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 public vehicle park (excluding container vehicle), for which previous approval had been given under Application No. A/YL-KTN/348, could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Regarding the adverse public comment, the public vehicle park would satisfy some of the local parking demand and was considered not incompatible with the surrounding land uses. Relevant Government departments had no adverse comment on the application. A 3-year approval period (instead of five years as proposed by the applicant), which was the same as the approval period under the last application, was recommended to monitor the situation on the site.

197. Members had no question on the application.

198. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, instead of 5 years sought, until 4.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at the prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing boundary fencing along the application site shall be maintained at all times during the planning approval period;
- (g) the existing measures for mitigation of possible nuisance of noise and artificial lighting on the site implemented under Application No. A/YL-KTN/348 shall be maintained at all times during the planning

approval period;

- (h) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the implementation of the approved tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (j) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2015;
- (m) 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;
- (n) if any of the above planning conditions (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) a shorter approval period is granted so as to monitor the situation on the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site is situated on an Old Scheduled Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. The site is accessible from Kam Tin Road via Government land and his office does not provide maintenance works on this access nor guarantee any right-of-way. The lot owner concerned will need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Such application will be considered by his office 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 fees, as may be imposed by his office;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any possible environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by his department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Tin Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant should note that portable hand-operated approved appliance shall be provided as required by occupancy and shall be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that updated photo record of the trees within the site should be provided;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed

as an acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulation at the building plan submission stage. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII; 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 and the relevant drawings obtained, if there is underground cable (and/or overhead lines) within or in the vicinity of the site, the applicant shall carry out the following measures: For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/634 Temporary Restaurant for a Period of 3 Years in “Agriculture” Zone,
Lots 1637 RP, 1649 S.A (G/F) and 1649 RP (G/F) in D.D. 106, Kam
Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/634)

Presentation and Question Sessions

200. 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 temporary restaurant 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 light or medium goods vehicles were used for operation of the development and there were sensitive receivers, i.e. residential structures, located to the south and in the vicinity of the site (the nearest one about 30m away). Hence, environmental nuisance was expected. The applicant should be reminded that all wastewater from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance (WPCO). Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary restaurant 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 as there were sensitive receivers, no local objection had been received during the statutory publication period and there was no environmental complaint received by DEP in the past three years. Besides, the site was located close to Kam Sheung Road and the vehicular access to the site would not pass through residential dwellings/structures. To address the concern of DEP, an approval condition restricting the operation hours from 9:00 a.m. to 11:00 p.m., instead of 9:00 a.m. to 12:00 midnight proposed by the applicant, was recommended. The proposed restriction on operation hours until 11:00 p.m. was in line with that under the “Code of Practice on Handling Environmental Aspects of Open Storage and Other Temporary Uses” (COP) issued by DEP to minimise the noise nuisance. Besides, the applicant would be advised to undertake the environmental mitigation measures as set out in the COP and to observe the requirements under the WPCO in order to alleviate any potential impact.

201. Members had no question on the application.

Deliberation Session

202. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 9:00 a.m., is allowed on the site during the planning approval period;
- (b) no reversing of vehicles into or out from the site to Kam Sheung Road is allowed at any time during the planning approval period;
- (c) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;

- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (f) the submission of water supplies for firefighting and 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 4.10.2014;
- (g) in relation to (f) above, the provision of water supplies for firefighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2015;
- (h) 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;
- (i) if any of the above planning conditions (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (j) upon 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.”

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

- “(a) to resolve any land issues relating to the development with other concerned owners of the site;

- (b) to note the comments of the District Lands Officer/Yuen Long that the site is abutting to Kam Sheung Road via Government land (GL). His office does not provide maintenance works on this access nor guarantee any right-of-way. The lot owner and occupier of the GL concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Such application will be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that necessary measures should be adopted to prevent disturbing the trees surrounding the site;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and 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 with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of

any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Director of Environmental Protection that the applicant is reminded that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance (Cap. 358);
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirement will be formulated upon formal submission of general building plans or referral from the licensing authority;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is underground cable (an/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (an/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or

his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (j) note the comments of the Director of Food and Environmental Hygiene that the issue of a valid food licence by him and compliance of any requirements/conditions stipulated by relevant departments for the operations of the food business is required. No sanitary nuisance should be created to the surrounding during the operation of the food business.”

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/635 Temporary Open Storage of Forklifts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 606 RP (Part), 609 RP (Part) and 610 (Part) and Adjoining Government Land in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/635)

Presentation and Question Sessions

204. 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 temporary open storage of forklifts 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 i.e. residential dwellings/structures located to the southwest (the nearest one about 20m away) and in the vicinity of the site, and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, two public comments from a Yuen Long District Councillor and a member of the public were received. The Yuen Long District Councillor raised concerns on the environmental and traffic impacts on the surrounding area resulting from the proposed development. The member of the public raised concerns that the uses on-site were different from the use under application, such as the storage of dangerous goods, maintenance, cleansing and spraying of forklifts. Besides, there were discrepancies between the existing structures erected within the site and the proposed use as stated in the applicant's submission. 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 open storage of forklifts could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's comment of not supporting the application, no environmental complaint was received by DEP in the past three years. Besides, the workshop within the development which could be a potential source of nuisance was of a minor scale only and had been in operation since the previous approvals. Boundary fencing and cover/shelter were also provided to minimise the impacts arising from the workshop-related activities. To address DEP's concern on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours were recommended. As regards the concerns of the public comments, vehicular access to the site from Kam Sheung Road would not pass through the residential dwellings/structures. Besides, the works on maintenance,

cleansing and paint-spraying of forklifts were of a minor scale and boundary fencing and cover/shelter were provided by the applicant to minimise the impacts. Appropriate approval conditions and advisory clause were recommended to minimise the environmental impact. Relevant Government departments had no adverse comment on the application. In addition, should the site be utilised for a use which was different from the use permitted under the current application, planning enforcement action would be taken as appropriate and any non-compliance with approval conditions would result in revocation of the planning permission.

205. Members had no question on the application.

Deliberation Session

206. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no reversing of vehicles into or out of the site is allowed at any time during the planning approval period;
- (d) the existing drainage facilities within the site shall be maintained at all times during the planning approval period;
- (e) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;

- (f) in relation to (e) above, the implementation of a tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2015;
- (g) the submission of the record of the existing drainage facilities within the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (h) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;
- (i) 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 4.10.2014;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2015;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No approval has been given for the occupation of Government land (GL) within the site and the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible from Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by his office 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 his office;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of the Commissioner for 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that updated photo record on the conditions of the existing trees and shrubs should be provided;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. 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 Sites in Appendix V of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs, the applicant is required to provide justifications to his department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of

general building plans;

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

- (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 (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the 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 to establishing any structure within the site, the applicant and/or his contractors shall also liaise with the electricity

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

- (k) to note the comments of the Project Manager (New Territories North & West), Civil Engineering and Development Department that since the site falls within the area under the Land Use Review for Kam Tin South and Pat Heung and his department will conduct a study (including possible site survey and site investigation works within the site) to ascertain the engineering feasibility for the developments within the area, the applicant should be informed of this possible interface issue and be required to provide access, works area, etc. to facilitate the site survey/investigation works.”

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/636 Renewal of Planning Approval for Temporary Open Storage of Vehicles (Pending Repair and Insurance Compensation) and Spare Parts under Application No. A/YL-KTS/530 for a Period of 3 Years in “Agriculture” Zone, Lot 467 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/636)

Presentation and Question Sessions

208. 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) renewal of planning approval to use the application site for temporary open storage of vehicles (pending repair and insurance compensation) and spare parts under Application No. A/YL-KTS/530 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, i.e. residential structures located to the north and in the vicinity of the site (the nearest one was 10m to its north), and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of vehicles (pending repair and insurance compensation) and spare parts use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's comment of not supporting the application, no local objection had been received during the statutory publication period and there was no environmental complaint received by DEP in the past three years. Besides, the site was of a minor scale of 501m² and adjacent to Kam Sheung Road where direct access was provided and traffic generated from the site would not pass through major village settlement in the area. To address the concern of DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles, and prohibiting workshop-related activities were recommended.

209. Members had no question on the application.

Deliberation Session

210. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.4.2014 to 18.4.2017, 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 10:00 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 medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be stored/parked at or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the site at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of the tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction

of the Director of Planning or of the TPB by 18.10.2014;

- (i) in relation to (h) above, the implementation of the tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.1.2015;
- (j) the submission of the record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.7.2014;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 30.5.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.10.2014;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

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

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the site comprises Old Scheduled Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. The site is directly accessible to Kam Sheung Road via Government land. His office does not provide maintenance works of the road nor guarantee right of way;
- (b) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (c) to note the comments of the 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 the Fire Services Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, he is required to provide justifications to his department for consideration. Having considered the nature of the open storage use, the condition on provision of fire extinguisher(s) within 6 weeks from the date of planning approval should be included in the planning permission. To address this condition, the applicant should submit a valid fire certificate (FS251) to his department

for approval. 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.;

- (d) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by his office. The land status of the local access road should be checked with Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should provide updated photo record on the conditions of existing trees and shrubs;
- (f) to note the comments of the Project Manager (New Territories North & West), Civil Engineering and Development Department that the subject site falls within the area under the Land Use Review for Kam Tin South and Pat Heung. His office will conduct a study to ascertain the engineering feasibility for the development within the area. The consultants to be employed for the study may need to conduct site survey and site investigation works including collection of samples, etc. within the area. The applicant should be informed of this possible interface issue and be required to provide access, works area, etc to facilitate the survey/investigation works;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorised structures on the site should be removed. All building works are subject to compliance with the Buildings Ordinance (BO). An authorised Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorised works in the future.”

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/637 Temporary Open Storage of Construction Materials with Ancillary Site Office and Staff Restrooms for a Period of 3 Years in “Residential (Group D)” Zone, Lot 1280 RP (Part) in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/637)

Presentation and Question Sessions

212. 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 temporary open storage of construction materials with ancillary site office and staff restrooms for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings/structures located to the north (about 50m away) and in the vicinity of the site, and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received objecting to the application on the grounds that the proposed use was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone; the application might affect the housing land supply; there was no overriding reason for the application as there was sufficient land for open storage use; the proposed temporary use was subject to renewal and would make it more difficult to develop the site for other suitable uses; and the approval of the application would set an undesirable precedent for similar use. 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 open storage of construction materials with ancillary site office and staff restrooms could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP’s comment of not supporting the application, DEP had not received any environmental complaint in the past three years. To address DEP’s concern, approval conditions restricting the operation hours and types of vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. As regards the adverse public comment, the development was temporary in nature and would not frustrate the planning intention of the “R(D)” zone and there was no known residential development at this part of the “R(D)” site. Moreover, the application was considered in compliance with Town Planning Guidelines No. 13E in that eight previous planning approvals for similar open storage uses on the site had been granted since 1994 and approval conditions under the last Application No. A/YL-KTS/528 relating to the submission and implementation of drainage and fire service

installations proposals had been complied with. There was also no adverse comment on the current application from the relevant Government departments except DEP. Since there was no major change in planning circumstances since the last approval and the applicant had complied with the relevant approval conditions under the last approval, sympathetic consideration could be given to the current application. Moreover, assessment of any renewal application would be subject to the criteria set out in the Town Planning Board Guidelines No. 34B for “Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development”.

213. Members had no question on the application.

Deliberation Session

214. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or container trailers/tractors is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (e) no disturbance to the mitigation planting areas along the eastern boundary of the site (Plan A-2 of the RNTPC paper) in order to preserve and protect the vegetation at any time during the planning approval period;
- (f) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) the existing landscape plantings on the site shall be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site implemented under Application No. A/YL-KTS/528 shall be maintained at all times during the planning approval period;
- (i) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2015;
- (l) 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;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect

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

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved comprises Old Scheduled Agricultural Lot held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No approval has been given for the specified structures as shelters for storage, offices, restrooms etc. No permission has been given for occupation of Government land (GL) within the site. The site is accessible from Kam Shui Road via GL and private land. His office does not provide maintenance works for the GL involved nor guarantee the right of way. The lot owner concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on the site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity of landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others payment of premium or fee, as may be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (e) to note the comments of the Commissioner for Transport that the site is connected to public road network via a section of 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any access connecting the site and Kam Shui Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The Good Practice Guidelines for Open Storage Sites in Appendix V of the Paper should be adhered to. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123). In connection with the approval condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant is required to provide justifications to his department for consideration;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of his department (not being New Territories Exempted House), 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, offices, rest rooms and storage 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 to coordinate 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 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the measures including prior consultation and arrangement with the electricity supplier is necessary for the application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the application site, the applicant and/or his contractors

shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (j) to note the comments of the Project Manager (New Territories North & West), Civil Engineering and Development Department that since the site falls within the area under the Land Use Review for Kam Tin South and Pat Heung and his department will conduct a study (including possible site survey and site investigation works within the site) to ascertain the engineering feasibility for the developments within the area, the applicant should be informed of this possible interface issue and be required to provide access, works area, etc. to facilitate the site survey/investigation works.”

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/684 Proposed Temporary Open Storage of Vehicles for Sale for a Period of
3 Years in “Residential (Group D)” Zone, Lot 139 RP (Part) in D.D.
108, Ta Shek Wu, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/684)

Presentation and Question Sessions

216. 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 open storage of vehicles for sale for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures in the vicinity of the area (the nearest one was located 90m to the northeast), and environmental nuisance was expected. Regarding the drainage proposal, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that consideration should be given to provide an intermediate catchpit for the u-channel at the eastern and western sides of the site. The existing drain at discharge point C to which the development runoff was proposed to discharge was located inside a private land. To avoid future dispute and unless otherwise justifiable, such arrangement was not desirable and should be reviewed. An approval condition requiring the submission of a revised drainage proposal and implementation of the drainage proposal for the development to the satisfaction of the Director of Drainage Services or of the Board was recommended. Other concerned Government 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 did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised as follows:
 - (i) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing

temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the development was not compatible with the surrounding land uses which were rural and natural in character with dense vegetation/tree cover surrounding the site. Extensive land with dense vegetation in the “Conservation Area” zone was located to the further south and west (about 20m away) of the site. Further east and northeast of the site comprised residential structures/dwellings, agricultural land and vacant/unused land;

- (iii) according to the Town Planning Board (TPB) Guidelines No. 13E, the application site fell within Category 3 areas. Within these areas, “existing” and approved open storage and port back-up uses were to be contained and further proliferation of such uses was not acceptable. Applications within these areas would normally not be favourably considered unless the applications were on sites with previous planning approvals. The application did not comply with TPB Guidelines No. 13E in that there was no previous approval granted at the site. Moreover, there was adverse departmental comment on the application. DEP did not support the application as there were residential structures/dwellings located in the vicinity of the site (the nearest one is located 90m to the northeast) and environmental nuisance was expected. In addition, the submitted drainage proposal was not satisfactory and CE/MN of DSD had requested the inclusion of an approval condition requiring the applicant to submit a revised drainage proposal. The applicant failed to demonstrate that the development would not generate adverse environmental and drainage impacts. Hence, the current application did not warrant sympathetic consideration;

- (iv) previous and similar applications for temporary open storage uses in the area were rejected by the Committee or the Board. Although Applications No. A/YL-PH/602 and 664 located to the southeast of the site were approved with conditions by the Committee on 29.1.2010 and 19.4.2013 respectively, they were subject to previous approvals. While the applicant indicated that six similar applications in the “R(D)” zone were approved, three of them were not related to open storage use. The other three applications were subject to previous approvals or located in another “R(D)” zone over 840m away from the site. Approval of the current application, even on a temporary basis, would set an undesirable precedent for similar applications within this part of the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

217. Members had no question on the application.

Deliberation Session

218. 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 “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. 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 Town Planning Board PG-No. 13E in that no previous approval has been granted at the site and

there is adverse departmental comment on the application. The development is also not compatible with the surrounding land uses which are rural and natural in character with residential structures/dwellings and agricultural land;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental 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 “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/685 Temporary Open Storage of Construction Materials, Machinery (Electricity Generator), Vehicle Parts, Temporary Transit Shipment Particles and Containers for Storage of Plastic Barriers for a Period of 3 Years in “Agriculture” and “Residential (Group D)” Zones, Lots 2887 (Part), 2888 (Part) and 2901 in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/685)

Presentation and Question Sessions

219. 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 temporary open storage of construction materials, machinery (electricity

generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers 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, i.e. residential dwellings in the vicinity of the site (the nearest one was about 30m to the northwest of the site), and environmental nuisances were expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application were received. The commenters objected to the application for reasons that the application did not comply with the planning intention of the “Residential (Group D)” zone and might affect land supply for housing. Besides, there was sufficient supply of land for open storage use and thus there was no overriding reason to support the application. The village road was narrow and the use of large vehicle would cause traffic congestion. In addition, the development would cause adverse environmental impact, air pollution and noise nuisance to the nearby residents. The approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP’s comment of not supporting the application, there was no environmental complaint received by DEP in the past three years. To address the concern of the DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles, and prohibiting workshop-related activity were recommended.

As regards the adverse public comments, the surrounding areas were predominated by open storage/storage yards, warehouses and workshop and previous approvals had been given for the use under application. Relevant Government departments had no adverse comment on the application. To minimise the potential environmental impact, appropriate approval conditions were recommended.

220. In response to a Member's question, the Chairman said that PlanD proposed to shorten the time for compliance with relevant approval conditions and the temporary approval was for three years.

Deliberation Session

221. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall 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, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing trees and landscape planting on the site should be maintained at all times during the planning approval period;

- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (h) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;
- (i) 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 4.7.2014;
- (j) in relation to (i) 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 4.10.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) 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 may not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. No approval is given for the specified structures used as office with toilet and office and staff common room. The site is accessible to Kam Tin Road via private land and Government land (GL). LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Commissioner for 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department shall not be responsible for the maintenance of any vehicular access connecting the site and Kam Tin Road;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites in Appendix V should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant shall provide justifications to his Department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the 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 any sub-main within the private lots to WSD's standards;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the subject application. Before any new building works (including office and rest room as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) 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 and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/686 Temporary Open Storage of Backdrop Screens, Advertising Aluminium Frames and Construction Materials for a Period of 3 Years in “Agriculture” Zone, Lots 1831 RP, 1832 RP (Part), 1867 (Part), 1868 (Part), 1869 (Part), 1870 (Part), 1871 (Part), 1872 (Part), 1873 (Part), 1874 RP and 1875 RP (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/686)

223. Mr C.K. Tsang, STP/FSYLE, informed the Committee and the Committee noted that there was a typographical error on page 1 of the Paper in that the site area should read 5,232.8m².

Presentation and Question Sessions

224. 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 temporary open storage of backdrop screens, advertising aluminium frames and construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings in the vicinity of the site (about 40m away to the south), and environmental nuisances were expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter objected to the application for the reasons that the application did not comply with the planning intention of the “Agriculture” (“AGR”) zone; there was sufficient supply of land for open storage use and thus there was no overriding reason to support the application; the approval of the application would set an undesirable precedent; and the supply of farmland in Hong Kong should be safeguarded. 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 open storage of backdrop screens, advertising aluminium frames and construction materials could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Regarding DEP’s comment of not supporting the application, no environmental complaint was received by DEP in the past three years. To address the concern of DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles, and prohibiting workshop-related activity were recommended. Regarding the adverse public comment, previous approvals had been given for the use under application and relevant Government departments had no adverse

comment on the application from nature conservation, agricultural and landscape points of view. To minimise the potential environmental impact, appropriate approval conditions were recommended.

225. Members had no question on the application.

Deliberation Session

226. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) 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, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of the record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2014;

- (g) the implementation of the accepted tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (h) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;
- (i) 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 4.10.2014;
- (j) in relation to (i) 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 4.1.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) 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.”

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

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

owners of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. No approval is given for the specified single-storey structure as storerooms and toilet. Lot No. 1831RP in D.D. 111 is covered by Short Term Waiver No. 3769 to allow the use of land for the purpose of ancillary use of open storage of backdrop screens, advertising aluminium frames and construction materials with permitted built-over area not exceeding 53m² (about) and building height not exceeding 6m. The site is accessible to Kam Tin Road via Government land (GL) and other private lots. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owners concerned will need to apply to LandsD to permit structures to be erected or regularise any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the comments of the Commissioner for 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. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the tree preservation proposal in the planning statement is considered acceptable. However, the applicant should provide photo record and demonstrate the current condition of the existing trees on site;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) 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. Besides, the good practice guidelines for open storage sites in Appendix V should be adhered to. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant shall provide justifications to his Department for consideration. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the 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 any sub-main within the private lots to WSD's standards.

Water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the subject application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority should be obtained. Otherwise, they are Unauthorised Building Works. An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; 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 and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

228. 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 eating place (restaurant) and shop and services (photographic studio and make-up rooms for wedding ceremony);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comments 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 made in paragraph 11 of the Paper.

229. Members had no question on the application.

Deliberation Session

230. 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 was subject to the following conditions :

- “(a) 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 4.10.2014;
- (b) in relation to (a) 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 4.1.2015;
- (c) 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 4.10.2014;
- (d) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (e) in relation to (d) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2015; and

- (f) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) the planning permission is given to the structure under application. It does not condone any other structure which currently occurs on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structure not covered by the permission;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval is given for the specified structures as “Covered Walkway, Flexible Canvas, Toilet and Changing Room, Pond, Open Stage, Catering Service Area(s), Food Preparation Area, Dining Area and Function Room(s)” as shown on Plan E: Master Layout and Landscape Plan. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 37m² subject to verification) within the site. The occupation of GL without Government’s prior approval should not be encouraged. Access to the site abuts directly onto Castle Peak Road – Tam Mi section. His office provides no maintenance works for the GL involved and does not guarantee right-of-way. Should the application be approved, the applicant will need to apply to his office to permit structures to be erected or regularise any irregularities on site. The applicant should be advised that the proposed Open Stage should also be accountable for Built-over Area as unauthorised structures were erected thereon. Furthermore, the applicant has either to 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;

- (c) to note the comments of the Director of Fire Services that any structures erected thereon be approved for its structural stability by appropriate authority. In the submission of fire service installation (FSIs) proposal, the applicant is advised that (i) visual fire alarm shall be provided in accordance with FSD Circular Letter 2/2012; (ii) FSIs on G/F shall be clearly marked on the layout plan; and (iii) should a modified hose reel be provided, it should be clearly indicated on the plan in the form FS Note with tank size being specified. 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;
- (d) 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 leased land of the site, the prior approval and consent of the Building Authority should be obtained, otherwise these building works are unauthorised building works. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Building Ordinance. 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;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Castle Peak Road – Tam Mi;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that the applicant is required to rectify the drainage system 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 a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from relevant lot owners for any works to be carried out outside his lot boundary before commencement of the drainage works;

- (g) to note the comments of the Director of Electrical and Mechanical Services that if there are any works involved, the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 KV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines; and
- (h) to note the comments of the Director of Food and Environmental Hygiene that the applicant should be advised that a proper food licence issued by his Department is necessary if any class of food business is open for public."

Agenda Item 54

Section 16 Application

[Open Meeting]

A/YL-NTM/299 Temporary Religious Institution Use (Thai Buddhist Temple) for a Period of 3 Years in “Green Belt” Zone, Government Land in D.D. 104, No. 501 Sai Wah Road, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/299)

232. The Committee noted that the applicant requested on 28.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/442 Temporary Public Vehicle Park (including Private Cars, Container Vehicles and Heavy Goods Vehicles) with Ancillary Facilities (including Vehicle Repair Area, Site Offices and Canteen), Storage of Metalware and Construction Material, and Cargo Handling and Forwarding Facilities for a Period of 3 Years in “Undetermined” Zone, Lots 253 - 260, 261 (Part), 262 (Part), 264 (Part), 265 - 268, 270, 279 S.B RP (Part), 280 and 372 S.D RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/442A)

234. The Secretary reported that the application was submitted by Fu Hop Yick Management Ltd. with Lanbase Surveyors Ltd. as the consultant of the applicant. Ms Anita K.F. Lam, Assistant Director/Regional 3 of Lands Department, had declared an interest in this item as she had private business dealings with Lanbase Surveyors Ltd. As Ms Lam had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

235. 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 temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen) and storage of metal ware and construction material, and cargo handling and forwarding facilities 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 because there were residential dwellings within 100m of the site or within 50m of the access road to and from the site and environmental nuisance was expected. Other concerned Government 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 temporary public vehicle park (including private cars, container vehicles and heavy goods vehicles) with ancillary facilities (including vehicle repair area, site offices and canteen) and storage of metal ware and construction material, and cargo handling and forwarding facilities could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's comment of not supporting the application, the nearest residential dwelling was about 94m to the east of the site, which was separated from the site by Lok Ma Chau Road. There was no environmental complaint against the site in the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and requiring maintenance of existing trees, paving and boundary fencing were recommended.

236. Members had no question on the application.

Deliberation Session

237. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m. for parking of container vehicles and heavy goods vehicles, vehicle repairing activities, and cargo handling and forwarding services, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (c) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (d) the existing trees within the site should be maintained at all times during the approval period;
- (e) 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 4.10.2014;
- (f) in relation to (e) 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 4.1.2015;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.10.2014;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2015;
- (i) 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;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the temporary use with the concerned owner(s) of the application site;
- (c) the permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under application comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the use under application and/or occupation of the Government land (GL) within the site. The occupation of GL without Government’s prior approval should not be encouraged. Access to the site from Lok Ma Chau Road requires traversing through the Northern Link (NOL) Influence

Area and a short stretch of GL. His office provides no maintenance works for this GL nor guarantees right-of-way. Should planning approval be given to the subject planning application, the lot owner will need to apply to his office to permit the structure to be erected or regularise any irregularities on site. The applicant has either excluded the GL portion from the site or applied for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that should the application be approved, the applicant shall be advised to ensure that operation of the development would not affect the wooded area, watercourse and pond in close proximity of the site;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on

leased land without approval of the BD (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 and shelters as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. 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;

- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the proposed site encroaches onto the gazette railway scheme boundary of the Express Railway Line (XRL) and project limit of "Northern Link". He is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (i) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department that part of the site falls within the Administrative Route Protection Boundary of the NOL.

The applicant shall vacate the area within the railway protection boundary of the proposed NOL as when required by the Government;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by his Department is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary shall not cause encroachment upon areas outside the applicant's jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains will be affected. The applicant 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, a waterworks reserve with 1.5m measuring from the centreline of the affected water mains (Plan A-2a) shall be provided to his Department. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or carparking purposes. No trees/shrubs shall be planted within the waterworks reserve. The Water Authority's officers and contractors 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. The 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;

- (l) to note the comments of the Director of Food and Environmental Hygiene that the applicant should be advised that a proper food licence issued by his Department is necessary if any class of food business is open to the public. The operation of the site should not create any environmental nuisance to the local community in the vicinity; and
- (m) 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 potential environmental impacts on the surrounding areas.”

Agenda Item 56

Section 16 Application

[Open Meeting]

A/YL-ST/443 Temporary Public Vehicle Park (for Private Cars Only) and Landscaped Area for a Period of 3 Years in “Green Belt” and “Undetermined” Zones, Lots 207 RP (part) and 208 S.B RP in D.D.99 and Adjoining Government Land, Lok Ma Chau Road, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/443)

239. The Committee noted that the applicant requested on 17.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to clarify the application site boundary. This was the first time that the applicant requested for deferment.

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

[The Chairman thanked Ms Wendy W.L. Li, Mr C.K. Tsang and Mr Ernest C.M. Fung, STP/FSYLE, for their attendance to answer Members' enquires. Ms Li, Mr Tsang and Mr Fung left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 57

Section 16 Application

[Open Meeting]

A/TM-LTYYY/276 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" Zone, Lots 1504 (Part) and 1505 (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/276)

241. The Committee noted that the applicant requested on 26.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments and to seek consent from relevant lot owners for access to the site. This was the first time that the applicant requested for deferment.

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

Agenda Item 58

Section 16 Application

[Open Meeting]

A/TM-LTYYY/278 Proposed Flat Development and Minor Relaxation of Building Height Restriction in "Commercial" Zone, Lots 531 RP, 532 s.D RP and 532 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/278)

243. The Committee noted that the applicant requested on 19.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 59

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/428 Temporary Warehouse for Storage of Furniture and Spare Parts for a Period of 3 Years in “Undetermined” Zone, Lots 3338(Part) and 3339(Part) in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/428A)

Presentation and Question Sessions

245. 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 temporary warehouse for storage of furniture and spare parts for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary warehouse for storage of furniture and spare parts could be tolerated for a period of three years based on the assessments made in

paragraph 11 of the Paper.

246. Members had no question on the application.

Deliberation Session

247. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed at the site during the planning approval period;
- (c) no vehicle washing, vehicle repair, dismantling, paint spraying and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on site at any time during the planning approval period;
- (e) only private cars and light goods vehicles (not exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to enter/be parked on the site at all times during the planning approval period;
- (f) the implementation of the accepted 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 4.10.2014;

- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2015;
- (i) 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 4.10.2014;
- (j) in relation to (i) 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 4.1.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) 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.”

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

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

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

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land within the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contain the restriction that no structures are allowed to be erected without prior approval of the Government. No approval is given for the structures of the warehouse, toilet, site office and guard room specified in the application. Letter of Approval (L of A) No. MT/LM 10014 was granted on Lot 3338 in D.D. 124 permitting the erection of temporary structures for agricultural purposes. Development of the subject temporary warehouse will render the termination of the L of A if the site is no longer used for agricultural purposes. The site is accessible to Yick Yuen Road via a local village road on private lots. His office provides no maintenance works to this village road and does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. The lot owner(s) or the applicant will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee(s), as may be imposed by LandsD;

- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances on the surrounding area;

- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department (TD) that the 10m wide access road connecting the site and the public road (Yick Yuen Road) is not managed

by TD and may encroach upon private land. The applicant is required to make his own arrangement for access;

- (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 Yick Yuen Road;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should implement the proposed drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point to his satisfaction. The applicant should ensure that the development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area. The applicant is reminded to consult DLO/YL, LandsD and to seek consent from the relevant owners for any works to be carried out outside the site boundary before commencement of the drainage works;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that that there is 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 use related to the application. 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 planning application. Before any new building works (including site office, guard room, toilet and warehouse as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement

action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as 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;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot support the standard pedestal hydrant.
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. 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 the applicant's contractor(s) 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 contractor(s) when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 60

Section 16 Application

[Open Meeting]

A/YL-PS/432 Temporary Open Storage of Construction Equipment and Materials for a Period of 3 Years in "Government, Institution or Community" and "Residential (Group B) 2" and "Residential (Group C)" Zones, Lots 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3109, 3110, 3125, 3127, 3128, 3129, 3130, 3131, 3132 RP, 3134 RP and 3901 in D.D. 124, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/432A)

249. The Secretary reported that the application was submitted by Team Harvest Ltd. (a subsidiary of Sun Hung Kai Properties Limited (SHK)). Ms Janice W.M. Lai and Mr Ivan C.S. Fu had declared interests in this item as they had current business dealings with SHK. The Committee noted that Ms Lai had left the meeting already. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Fu could stay in the meeting but should refrain from participating in the discussion.

250. The Committee noted that the applicant requested on 17.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of

- Ms Anita K.F. Lam - being an alternate member of the Director of Lands who was a member of the HKHA
- Mr Frankie W.P. Chou - being an alternate member of the Director of Home Affairs who was a member of the SPC of the HKHA
- Mr H.F. Leung - having current business dealings with Housing Department, the executive arm of HKHA

253. Members noted that Mr Frankie W.P. Chou and Mr H.F. Leung had left the meeting already. As the interests of the Chairman and Ms Anita K.F. Lam were considered direct, the Committee agreed that they should leave the meeting temporarily.

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

254. As the Chairman had to leave the meeting, the Vice-chairman, Professor S.C. Wong, took over and chaired the meeting at this point.

255. The Committee noted that there was a typographical error in paragraph 11.6 of the Paper that the non-domestic gross floor area (GFA) should read 4,100 m².

Presentation and Question Sessions

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

Background

- (a) a request (No. Z/YL-PS/P2) submitted by the then Kowloon-Canton Railway Corporation for rezoning the subject site from “Undetermined”, “Industrial” and “Road” to “Comprehensive Development Area” (“CDA”) for proposed comprehensive commercial/residential development with public transport interchange associated with the West Rail Tin Shui Wai Station was agreed by the Board on 27.11.1998. The relevant Master

Layout Plan (MLP) and the amendments to approved MLP (Applications No. A/YL-PS/72 and 72-2) were approved by the Committee in 2000 and 2008 respectively;

- (b) in the 2013 Policy Address, the Government announced a target of providing some 17,000 HOS flats over four years starting from 2016/17 onwards and thereafter an annual average of 5,000 HOS flats. In order to meet the housing target, the site was identified for the development of HOS units. The planning brief (PB) for proposed HOS development at the site was endorsed by the Committee on 25.10.2013;

The Proposal

- (c) the proposed development mainly comprised 2,409 (Home Ownership Scheme) (HOS) flats in three high-rise residential blocks (up to 110mPD and 34 storeys), market, eating place and shop and services in one commercial block (2-3 storeys including one storey basement car park), a covered Public Transport Terminus (PTT), and ancillary and recreation facilities for the HOS flat residents, with a domestic GFA of not more than 124,250m² and non-domestic GFA of not more than 4,100m². The proposed development was tentatively scheduled for commencement of construction in mid 2014 and for completion in early 2018;

Departmental Comments

- (d) departmental comments were set out in paragraph 9 of the Paper;
- (e) the Director of Environmental Protection (DEP) indicated no objection to the application subject to satisfactory implementation of the environmental mitigation measures identified in the Environmental Assessment (EA) and the Sewerage Impact Assessment, including setback from roads, single aspect design for the domestic block at the western portion of the site, architectural fins and noise barriers, covering of PTT, and upgrading of a section of sewer at Cheong Road;
- (f) the Chief Town Planner/Urban Design and Landscape, Planning

Department (CTP/UD&L, PlanD) commented that consideration should be given to break up the perceived building mass of the residential blocks with wider building gaps, architectural articulation, height variation, etc. To address the single aspect building design, efforts should be made to enliven the western elevation with appropriate architectural articulation. Efforts should also be made to provide a quality design for the PTT in order to contribute to the amenity of the area. As regards the proposed noise barrier, design and greening efforts need to be stepped up and strengthened to break down the visual scale and avoid monotony. Consideration should also be given to reduce the physical dimensions of the noise barriers by mitigating the noise impact with acoustic windows at individual flats;

- (g) other concerned departments had no objection to or no adverse comment on the application;

Public Comments

- (h) during the first three weeks of the statutory public inspection period, two public comments were received. An individual commented that the site should not be developed for HOS as the mix of public housing and private housing in the area was not balanced. The site should be used for retail, business or private apartment development. Another comment was submitted by a Yuen Long District Council (YLDC) member who supported the proposed HOS development in principle but requested the applicant to provide details on the proposed market and the findings of the relevant EA and Traffic Impact Assessment (TIA);
- (i) the Town Planning and Development Committee and the Traffic and Transport Committee of YLDC were consulted on proposed development, the proposed PTT and related road works on 17.7.2013 and 25.7.2013 respectively. The members of the said Committees generally supported the proposed HOS development and requested the Housing Department (HD) to consider including wet market facilities in the proposed development;

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

Planning Department (PlanD)'s views

- (k) PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper, which were summarized below:

- (i) the proposed HOS and commercial development was generally in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. The site also fell within the proposed Hung Shui Kiu New Development Area (HSK NDA) and was designated as “HOS” on the Preliminary Outline Development Plan of the on-going HSK NDA Planning and Engineering Study. The proposed development was considered in line with the planning intention for the future development;
- (ii) the site was located at the fringe of the Tin Shui Wai New Town to the nearby north across the West Rail Tin Shui Wai Station, where high-rise subsidised and public housing had been developed. The proposed development was considered not incompatible with the surrounding land uses and developed character of the surrounding area;
- (iii) the proposed development was a composite development. The total plot ratio of the proposed development was 5 (i.e. a domestic plot ratio of 4.84 and a non-domestic plot ratio of 0.16). The proposed plot ratios did not exceed the plot ratio restrictions as stipulated for the “CDA” under the Outline Zoning Plan requirement i.e. a maximum domestic plot ratio of 5 or a non-domestic plot ratio of 9.5). The endorsed PB stipulated a maximum building height of 110mPD. The maximum building height of the proposed development at 110mPD did not exceed the building height restriction under the endorsed PB;
- (iv) concerned government departments had no objection to/adverse

comments on the application. Technical concerns on noise, traffic, visual, landscaping, drainage, sewerage and fire safety aspects could be addressed by imposing approval conditions; and

- (v) as regards the public comment submitted by an individual, the Committee had endorsed a PB for the proposed HOS development at the site, which could help meet the housing aspirations of low and middle-income families. For the public comment from a member of YLDC and the concern of YLDC, market use was proposed in the proposed development with about 40 stalls and would be managed by the applicant or his agent. The applicant had already submitted TIA and EA for the application of which Government departments had no objection to/adverse comment.

257. Members had no question on the application.

Deliberation Session

258. A Member asked what were the exact dimensions of the building façade of Block B and whether any assessment on sustainable building design had been prepared for the development scheme. In response, Mr K.C. Kan, STP/TM&YLW, said that he did not have the exact dimensions of the building façade of Block B. Relevant Government departments had indicated that the applicant should demonstrate that the building design elements would fulfill the sustainable building design guidelines in the detailed design stage.

259. 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 4.4.2018, 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 a revised Master Layout Plan to taking into account conditions (b) to (j) and (m) below to the satisfaction of the Director of Planning or of the TPB;

- (b) the submission and implementation of a Landscape Master Plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of an implementation programme to the satisfaction of the Director of Planning or of the TPB;
- (d) the design and provision of environmental mitigation measures identified in the Environmental Assessment for the proposed development to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers to the satisfaction of the Director of Planning or of the TPB;
- (f) the design of acoustic cover of the Public Transport Terminus with a view to minimising its visual impact to the satisfaction of the Director of Planning or of the TPB;
- (g) the design and provision of the Public Transport Terminus to the satisfaction of the Commissioner for Transport or of the TPB;
- (h) the design and provision of vehicular access, parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (i) the design and provision of traffic improvement measures stated in the Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB;
- (j) the design and provision of an elevated walkway connecting the proposed development with the WR Tin Shui Wai Station and a footbridge across Ping Ha Road to the satisfaction of the Commissioner for Transport or of

the TPB;

- (k) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (l) the submission and implementation of sewerage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (m) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (n) the diversion of the affected water mains or provision of Waterworks Reserve for the affected water mains to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) the approved Master Layout Plan, together with the set of approval conditions, will be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised Master Layout Plan for deposition in the Land Registry as soon as possible;
- (b) the approval of the application does not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site falls within West Rail (WR) Protection Boundary. The proposed Public Transport Terminus (PTT) and footbridge connection will be excised from the proposed Home Ownership Scheme (HOS) site and will be handed over to Transport Department (TD) and Highways Department (HyD). The applicant should liaise with TD and HyD for the proposed PTT and footbridge connection works and such works including the relocation of the existing Public Transport Interchanges should dovetail with the HOS development programme. Kiu Cheong Road-East is not a gazetted road and cannot be located. The applicant should take this into consideration in designating a proper address for the proposed HOS site;
- (d) to note the comments of the Assistant Commissioner for Transport/New Territories, TD that the applicant should gazette the layout of the affected roads and traffic facilities including the PTT under Roads (Works, Use and Compensation) Ordinance (Cap. 370);
- (e) to note the comments of the Chief Highway Engineer/Railway Development 2-2, Railway Development Office, HyD that as the site falls within the route protection boundary of the WR, the applicant should consult Mass Transit Railways Corporation Limited on full details of the proposal and comply with their requirements with respect to the operation, maintenance and safety of the WR;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant should further liaise with DSD on the drainage and sewerage connections for the development at the detailed designed stage. The applicant is reminded that it is an established practice that any necessary upgrading of existing public facilities arising from the development should be responsible by the project proponent at the proponent's own cost unless there will be other prevailing agreement;
- (g) to note the comments of the Director of Fire Services that detailed fire

safety requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Secretary for Education that sufficient education facilities according to the Hong Kong Planning Standard and Guidelines should be reserved, if necessary;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that consideration should be given to break up the perceived building mass with wider building gaps, architectural articulation, height variation, etc. Block C has adopted a single aspect building design with its back facing outwards as a noise mitigation measure. There is a concern from urban design perspective that the back of the building might be unsympathetic to the townscape and undesirable to the amenity of the area. The applicant is advised that efforts should be made to enliven the western elevation with appropriate architectural articulation. In view of the prominent location, efforts should be made to provide a quality design for the PTT to contribute to the amenity of the area. The proposed noise barrier to be erected along the southern boundary is of 5.5m high and approximately 170m long, which would create a long and high fence wall along Kiu Fat Street. The proposed climbers on the barrier do not have the capacity to effectively alleviate the impact. Design and greening efforts need to be stepped up and strengthened to break down the visual scale and avoid monotony. As the scale of the proposed noise barrier is quite excessive, consideration should be given to reduce the physical dimensions of the noise barriers by mitigating the noise impact with acoustic windows at individual flats. Further detailed comments are at Appendix V of the Paper;
- (j) to note the comments of the Director of Food and Environmental Hygiene that if any Food and Environmental Hygiene Department's (FEHD) facility is affected by the development, FEHD's prior consent must be obtained. Reprovisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. The project proponent should

provide sufficient amount of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD. If FEHD is requested to take up management responsibility of new public toilets and refuse collection points, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD. If provision of cleansing service for new roads, streets, cycle tracks, footpaths, paved areas etc, is required, FEHD should be separately consulted. Prior consent from FEHD must be obtained and sufficient amount of recurrent cost must be provided to FEHD. Should there be a significant increase in population due to extensive housing developments at Kiu Cheong Road, as in the case of other new development areas, it is crucial for the relevant developers such as the Hong Kong Housing Authority and private sector developers to incorporate suitable markets and shopping facilities in their planning to meet the daily need of their residents. FEHD has no separate plan to build new markets in the area;

- (k) to note the comments of the Chief Town Planner/Studies and Research, PlanD that according to the Preliminary Outline Development Plan (PODP) for the Hung Shui Kiu New Development Area (HSK NDA) promulgated for public consultation in July 2013, the site falls within an area designated “HOS” and this HOS, located to the immediate south of the existing WR Tin Shui Wai Station, falls within the proposed “Eastern Residential Neighbourhood cum Commercial Centre” which is proposed to be developed as a secondary focal point of the NDA with residential, retail and commercial uses. As the proposed PTT is a large site at a prominent location especially for visitors coming into the area via WR, information should be provided on the landscape treatment/design of the PTT site. It is also noted that an ‘Acoustic Cover for PTT’ is proposed, more information on the treatment/design of the acoustic cover should be provided. According to the latest development programme, the site formation and engineering works for HSK NDA are scheduled for commencement in 2019. The Stage Two Community Engagement (CE2) ended on 22.10.2013. The Recommended ODP is being formulated taking

into account the public comments received during CE2 and detailed technical assessments would be conducted. The design of the proposed development should be compatible with the development proposals of the themed area of the HSK NDA as far as possible and more information should be provided to demonstrate that there would be no adverse visual impact on the adjacent areas;

- (l) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within Scheduled Area No. 2 and may be underlain by cavernous marble. For any development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site; and

- (m) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected (Plan A-2 of the Paper). 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 centreline of the affected water mains shall be provided to WSD. 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 authorize. 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.”

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

Agenda Item 62

Section 16 Application

[Open Meeting]

A/TM/450 Columbarium (within a Religious Institution or extension of existing Columbarium only) in “Green Belt” Zone, Section A and Section B of Lot 294 and Lot 351 (Part) in D.D. 376, Tuen Mun
(RNTPC Paper No. A/TM/450)

261. The Secretary reported that the application was submitted by Shing Po Shing Tong with CKM Asia Ltd., LWK Conservation Ltd. and RHL Surveyors Ltd. as the consultants of the applicant. The following Members had declared interests in this item:

- | | | |
|----------------------|---|--|
| Professor S. C. Wong | - | CKM Asia Ltd. had sponsored some activities of the Institute of Transport Studies of the University of Hong Kong, of which Professor Wong was the Director of the Institute |
| Mr Ivan C.S. Fu | - | being a Director and shareholder of LWK Conservation Ltd. |
| Mr H.F. Leung | - | RHL Surveyors Ltd. had made some donations to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, where Mr Leung was working |

262. Members noted that Mr H.F. Leung had left the meeting already. Members noted that the applicant had requested for a deferment of consideration of the application and agreed that Professor Wong could stay in the meeting as he had no direct involvement in the subject application. Members also agreed that Mr Ivan C.S. Fu could stay in the meeting but should be refrained from participating in the discussion.

263. The Committee noted that the applicant requested on 20.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of

further information to address the comments from the Transport Department, Buildings Department and Water Supplies Department. This was the second time that the applicant requested for deferment.

264. 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, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 63

Section 16 Application

[Open Meeting]

A/TM/451 Columbarium in "Government, Institution or Community" Zone,
Lots No. 501 and 533 in D.D. 131 and Adjoining Government Land,
Tsing Shan Tsuen, Yeung Tsing Road, Tuen Mun
(RNTPC Paper No. A/TM/451A)

265. The Committee noted that the applicant requested on 21.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from Transport Department on the revised traffic impact assessment.

266. 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, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 64

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/257 Temporary Open Storage of Marble with Ancillary Workshop and 9 Loading and Unloading Spaces for Goods Vehicles for a Period of 3 Years in "Recreation" Zone, Lots 2093 (Part), 2094 (Part), 2095 (Part), 2096 RP (Part), 2097, 2102 S.A (Part), 2215 S.A RP (Part), 2216 (Part), 2217, 2218 RP (Part), 2219 RP (Part), 2231 RP (Part), 2233 (Part), 2234, 2235, 2236 (Part), and 2237 (Part) in D.D.129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/257)

Presentation and Question Sessions

267. 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 temporary open storage of marble with ancillary workshop and 9 loading/unloading spaces for goods vehicles 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 residential

dwelling in the vicinity of the application site (the closest being around 10m away) and along the access road (Deep Bay Road) and environmental nuisance was expected. A total of five complaint cases (one complaint on water and four complaints on both air and water) relating to the concerned marble factory had been received in the past three years;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on the surrounding residential dwellings and there were environmental complaints received regarding the application site in the past three years, appropriate approval conditions on restricting the operation hours and vehicle type as recommended in paragraph 13.2 of the Paper could be imposed to address DEP's environmental concerns.

268. Members had no question on the application.

Deliberation Session

269. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 4.4.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the 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 vehicle exceeding 5.5 tonnes, as proposed by the applicant, is allowed for the operation of the site at any time during the planning approval period;
- (d) no vehicle over 10m long is allowed to enter, park or operate at the application site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the submission of the 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 4.10.2014;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.1.2015;
- (h) the submission of the landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.1.2015;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014;

- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.1.2015;
- (m) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 4.10.2014;
- (n) in relation to (m) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 4.1.2015;
- (o) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (p) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (q) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (m), (n) or (o) 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
- (r) 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.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;

- (b) a shorter approval of 2 years is granted to allow time for the applicant to relocate the current use on the site to other suitable locations;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long (DLO/YL, LandsD) that the site is situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Short Term Waiver (STW) No. 2481 was granted on Lot No. 2234 in D.D. 129 for “Workshop Ancillary to Open Storage of Marble” purpose permitting a built-over-area (B.O.A.) not exceeding 309m² and a height not exceeding 7.3m. STW No. 3557 was granted on Lot No. 2096 RP in D.D. 129 for “Ancillary Use to Open Storage of Marble” purpose permitting a B.O.A. not exceeding 15m² and a height not exceeding 4.88m. STW No. 3175 was granted on Lot No. 2216 in D.D. 129 for “Storage, Workshop and Ancillary Use” purpose permitting a B.O.A. not exceeding 12.54m² and a height not exceeding 4.88m. STW No. 3176 was granted on Lot No. 2217 in D.D. 129 for “Storage, Workshop and Ancillary Use” purpose permitting a B.O.A. not exceeding 99.31m² and a height not exceeding 4.88m. STW No. 3562 was granted on Lot No. 2095 in D.D. 129 for “Ancillary Use to Open Storage of Marble” purpose permitting B.O.A. not exceeding 222m² and a height not exceeding 5m. Subject to on-site verification and despite of the fact that some of the structures are covered by valid STWs, the rest of the structures distributed over the site have not yet obtained proper permission from his office. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 79m² subject to verification) included into the site. Attention should be 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 Deep Bay Road from 2 accesses via both private land and GL. DLO/YL, LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. No application for STW and Short Term Tenancy concerning the application was received so far.

Should planning approval be given to the subject planning application, the lot owners concerned would still need to apply to LandsD to regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. 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/fees, as may be imposed by LandsD;

- (e) 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;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. Vehicles exceeding 10m long is prohibited from entering Deep Bay Road Northbound from Lau Fau Shan Roundabout. All vehicles entering the subject site via Lau Fau Shan Roundabout shall follow the requirements specified by his office;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the run-in/out at the access point at Deep Bay Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Deep Bay Road;
- (h) to note the comments of the Director of Fire Services that to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. In addition, 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, and the attached good practice guidelines for open storage should be adhered to (Appendix IV of the Paper). Regarding the provision of fire extinguisher(s), the applicant is advised to submit a valid fire certificate (FS 251) to his Department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the 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 captioned application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing 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 respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be

determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage; and

- (j) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For a site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractor(s) 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 contractor(s) when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 65

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/887 Renewal of Planning Approval for Temporary Open Storage of Containers and Cargo Handling for a Period of 3 Years in "Commercial/Residential" and "Comprehensive Development Area" Zones, Lots 2187 RP (Part) , 2380 RP (Part) , 2381 RP (Part), 2382 (Part), 2383 RP (Part), 2384 S.B (Part) , 2385 RP (Part), 2412 RP (Part) , 2415 RP, 2416 (Part) , 2417, 2418 RP (Part) and 2419 RP (Part) in D.D.129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/887)

Presentation and Question Sessions

271. 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 renewal of planning approval for temporary open storage of containers and cargo handling for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site (the nearest dwelling was about 49m away) and along the access road (Lau Fau Shan Road), and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Chu and Lau Solicitors and Notaries concerning the land dispute on the lots of the application site. The commenter clarified that the registered owner of Lot 2415RP in D.D.129 had not authorised and would not authorised anyone to use the said Lot for temporary open storage of containers and cargo handling; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on the adjoining sensitive uses and one complaint related to noise nuisance in 2012 and two comments related to dust nuisance in 2014 were received. The situation had been improved after giving warning and advice to the operator. Appropriate approval conditions restricting operation hours and stacking heights of materials stored on-site as recommended in paragraph 13.2 of the Paper could be imposed. The application for renewal was in line with the Town Planning

Board Guidelines No. 34B for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in which there had been no material change in planning circumstances since the previous temporary approval was granted and all the approval conditions had been complied with within the required timeframe. As regards the public comment concerning the land dispute of the lots of the site, it should be noted that it was related to the dispute on use of the application site between the land owner and the applicant. An advisory clause reminding the applicant to resolve any land issue relating to the development with the concerned owner of the site was recommended in paragraph 13.3 of the Paper.

272. Members had no question on the application.

Deliberation Session

273. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 6.4.2014 to 5.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) the stacking height of containers/materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the stacking height of containers stored at any other location within the site should not exceed 8 units at any time during the planning approval period;

- (e) no material is allowed to be stored/dumped within 1m of any tree on the site at any time during the planning approval period;
- (f) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the existing drainage facilities on site shall be maintained at all times during the planning approval period;
- (h) no encroachment of the site upon GLA No. TYL 1657 which is allocated to the Drainage Services Department for the construction of the “PWP Item No. 4235 DS Yuen Long and Kam Tin Sewage Disposal (Part), Lau Fau Shan Trunk Sewerage”;
- (i) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.7.2014;
- (j) the submission of a run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.7.2014;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 5.10.2014;
- (l) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2014;
- (m) in relation to (l) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.10.2014;

- (n) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.5.2014;
- (o) the submission of a 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 5.7.2014;
- (p) in relation to (o) above, the implementation of the 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 5.10.2014;
- (q) the provision of fencing of the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 5.7.2014;
- (r) 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;
- (s) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o), (p) or (q) 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
- (t) 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.”

274. 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 approval period for renewal should not be longer than the original validity period of the temporary approval;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long that the private land under the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the 3 structures specified in the application form. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 140m² subject to verification) included into the site. Attention is drawn to the fact that the occupation of GL without Government's prior approval should not be encouraged. Small pieces of the GL at the southern portion of the site encroach onto Government Land Allocation (GLA) No. TYL 1657 granted to Chief Engineer/Sewerage Project, Drainage Services Department in relation to the "PWP Item No. 4235 DS Yuen Long and Kam Tin Sewage Disposal (Part), Lau Fau Shan Trunk Sewerage" which should be excluded from the site. The site is accessible to Lau Fau Shan Road via private lot and Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Application for Short Term Wavier in relation to the previous application (A/YL-HT/810) was received. Should the planning approval be given to the subject planning application, his office will continue to process the application. Such application will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) 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;

- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the access point at the road near Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
- (h) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. 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. The requirements of formulating fire service installations proposal is stated in Appendix VI;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that since the tree at the southeast corner

was in poor condition, replacement of the tree is required. In addition, the tree at the eastern boundary is in fair health condition. The tree should be replaced if found dead. Besides, the objects stacked on the tree planting area should be removed; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for 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. 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 captioned application. Before any new building works (including offices and 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 coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under 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.”

Agenda Item 66

Section 16 Application

[Open Meeting]

A/YL-HT/893 Temporary Open Storage of Containers with Ancillary Logistics Uses, Container Repairing Workshop, Site Offices and General Storage Use for a Period of 3 Years in “Recreation” Zone, Lots 224, 225, 227, 233, 234, 236, 237, 238, 239, 313 (Part), 319 (Part), 333 (Part), 334 (Part), 336 (Part), 342, 344, 345 (Part), 346 (Part), 347, 348 RP (Part), 350 (Part), 351 (Part), 352, 353 (Part), 354 (Part), 355 (Part), 356 (Part), 357 (Part), 358 (Part), 359, 360, 361, 362, 363, 364, 365 (Part), 366, 367, 368, 369, 370 S.A, 370 S.B (Part), 396 (Part), 397 (Part), and 398 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/893)

275. The Secretary reported that the application was submitted by Best Field Hong Kong Development Ltd. with Environ Hong Kong Ltd. (Environ) as the consultant of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ. Members noted that the applicant had requested for a deferment of consideration of the application and Mr Fu had no direct involvement in the application. Members agreed that Mr Fu could stay in the meeting.

276. The Committee noted that the applicant requested on 1.4.2014 for deferment of the consideration of the application for two months in order 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.

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

Agenda Item 67

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/894 Proposed Temporary Warehouse for Storage of Machinery and Spare Parts for a Period of 3 years in "Comprehensive Development Area" Zone, Lots 23 RP (Part), 28 RP (Part), 30 RP (Part), 43 (Part), 193, 194 (Part), 195 (Part) and 196 (Part) in D.D. 128 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/894)

Presentation and Question Sessions

278. 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 warehouse for storage of machinery and spare parts 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 residential dwellings in the vicinity of the site (the nearest one being 65m to the northwest) and along the Deep Bay Road, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public

comment was submitted by Designing Hong Kong Limited who 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 primarily reserved for residential uses. The approval of the application would limit the opportunity for putting the site for more suitable uses and ample sites had already been approved to satisfy the current and future demand. The approval of the application would set an undesirable precedent for similar applications; and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on the adjoining residential dwellings, appropriate approval conditions restricting the operation hour, workshop activities on-site and type of vehicles as recommended in paragraph 12.2 of the Paper could be imposed to address DEP’s environmental concerns. As regards the public comment, it should be noted that there was not yet any known programme to implement the zoned use on the OZP and the approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone.

279. Members had no question on the application.

Deliberation Session

280. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 11:00 p.m. to 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 cutting, dismantling, cleansing, repairing and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (f) the implementation of the accepted 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 4.7.2014;
- (g) the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the implementation of the accepted tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2014;
- (i) the submission of 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 4.7.2014;
- (j) in relation to (i) above, the implementation of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 4.10.2014;
- (k) the provision of fencing of the site within 3 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2014;

- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) 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.”

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

- “(a) prior planning permission should have been obtained before continuing the applied use on site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under application site comprises Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the 8 structures as

'warehouse, site office, toilet and guard room'. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 440m²) within the site. Attention is drawn to the fact that the occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Deep Bay Road via private land and GL. He provides no maintenance work for the GL and does not guarantee right-of-way. No application for Short Term Wavier and Short Term Tenancy has been received as far as the subject planning application is concerned. Should the application be approved, the lot owners will need to apply to his office to permit any 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;

- (e) 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;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from them or from relevant private land owners for any works to be carried out outside the lot boundary before commencement of the drainage works;
- (g) to note the comments of the Commissioner for Transport that sufficient

manoeuvring spaces shall be provided within the site.;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains;
- (i) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for approval. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications for his consideration; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for 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. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorised under Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including offices and 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 Unauthorized Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application

site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m 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 68

Section 16 Application

[Open Meeting]

A/YL-TYST/670 Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Office and Warehouses for a Period of 3 Years in “Residential (Group D)” Zone, Lots 702 RP (Part), 705 RP (Part), 706 RP (Part), 707-713, 714 (Part), 715 (Part), 716-718, 719 (Part), 720 (Part), 752 (Part), 753 (Part), 754 RP (Part) and 757 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/670)

282. The Committee noted that the applicant requested on 20.3.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to follow up the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department, and the Chief Engineer/Mainland North, Drainage Services Department. This was the first time that the applicant requested for deferment.

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

Agenda Item 69

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/671 Temporary Warehouse for Storage of Construction Materials for a Period of 3 Years in “Undetermined” Zone, Lots 1040 and 1042 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/671)

Presentation and Question Sessions

284. 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 for storage of construction materials 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 receivers of residential uses in the vicinity of the application site (with the nearest ones located about 5m to the west and south) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application due to the possible environmental nuisance caused by the development on the adjoining residential dwellings, appropriate approval conditions restricting the operation hours, the types of vehicles used and prohibiting the carrying out of workshop activities and open storage within the site as recommended in paragraph 12.2 of the Paper could be imposed to address DEP's environmental concerns.

285. Members had no question on the application.

Deliberation Session

286. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (a) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (c) no open storage, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing or other workshop activities, as

proposed by the applicant, shall be carried out on the site at any time during the planning approval period;

- (e) no queuing and reverse movement of vehicle is allowed on public road at any time during the planning approval period;
- (f) all the existing trees on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (i) 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 4.10.2014;
- (j) in relation to (i) 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 4.1.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e), (f), or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) 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.”

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Scheduled Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Lots 1040 (Portion) and 1042 (Portion) in D.D. 119 are covered by Short Term Waiver No. 3576 and 3578 to allow the use of land for the purpose of a temporary warehouse for storage of aluminium scaffolds with permitted built-over areas not exceeding 653.5m² and 20.5m² (about) and building height shall not exceed 5m in height respectively. The lot owner concerned will still need to apply to his office to permit the structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible from Kung Um Road through an informal village track on Government land and other private land. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient space should also be provided within the site for manoeuvring of

vehicles;

- (d) 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;
- (e) to adopt 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;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the 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 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 Building Authority 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

- (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 overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. 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 70

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/672 Temporary Open Storage of Metal Goods with Ancillary Warehouse for a Period of 3 Years in “Undetermined” Zone, Lots 776 (Part), 1878 (Part), 1879(A)&1879(B) (Part), 1943 (Part), 1944 (Part) and 1945 (Part) in D.D. 117 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/672)

Presentation and Question Sessions

288. 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 for storage of construction materials 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 receivers of residential uses to the west, south and in the vicinity of the site, and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Although DEP did not support the application, due to the possible environmental nuisance on the sensitive uses in the vicinity caused by the development, appropriate approval conditions restricting the operations hours, the type of vehicles used and prohibiting the carrying out of workshop activities and open storage within the site could be imposed to address DEP's environmental concern.

289. Members had no question on the application.

Deliberation Session

290. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 4.4.2017, 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 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no dismantling, repairing, cleansing, paint-spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;

- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 4.7.2014;
- (i) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.7.2014;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 4.10.2014;
- (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 16.5.2014;
- (l) 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 4.7.2014;
- (m) in relation to (l) 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 4.10.2014;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) shorter compliance periods are imposed in order to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under

which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for office, common room and storage of metal goods uses. No permission has been given for the occupation of the Government land (GL) within the site. The owner(s) concerned will still need to apply to his office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to exclude the GL portion of 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 through an informal village track on GL and private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (h) to adopt 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;

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that further landscape planting should be proposed along the western side of the site for enhancing the greening and screening effects. It is observed that a *Ficus microcarpa* located adjacent to the entrance gate is topped with cracks on the trunk. The tree should be replaced with a healthy tree of a well balanced form with straight and upright leader and branches. All the stored materials at the base of tree trunk should be removed and kept at least 1m away from the tree trunk in order to avoid affecting the tree growth;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend 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 WSD's standards. Besides, the water mains in the vicinity of the site cannot provide standard pedestal hydrant;
- (k) 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. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V should be adhered to;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the

Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including converted containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (m) 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 overhead line alignment drawings, where applicable) 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 and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supply 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.”

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

Agenda Item 71

Any Other Business

292. There being no other business, the meeting was closed at 8:40 p.m..