

TOWN PLANNING BOARD

Minutes of 510th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 9.5.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Mr F.C. Chan

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr David Y.T. Lui

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
Mr Tony H. Moyung

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

Secretary

Absent with Apologies

Dr C.P. Lau

Mr Lincoln L.H. Huang

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
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 509th RNTPC Meeting held on 25.4.2014

[Open Meeting]

1. The draft minutes of the 509th RNTPC meeting held on 25.4.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

- (i) Draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/8

2. The Secretary reported that on 25.4.2014, the Committee considered and agreed to the proposed amendments to the approved Kam Tin North OZP No. S/YL-KTN/7. As an established practice, the Secretariat had further checked the accuracy of the proposed amendments to the OZP, Notes and Explanatory Statement (ES) and to incorporate refinements as necessary before publication. The designation of a 'Non-building area' (NBA) along the northern boundary of the "Commercial" zone under Amendment Item A10 was agreed by the Committee. While a 20m wide NBA was clearly demarcated on the Plan, a typographic error on the width of the NBA stated as '10m' in paragraph 9.1 of the ES was spotted and rectified accordingly. The relevant replacement page of the ES was tabled at the meeting. For Members' information, the draft Kam Tin North OZP No. S/YL-KTN/8, incorporating the agreed amendments and the above refinement, was gazetted on 9.5.2014.

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/I-CC/3 Application for Amendment to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/5, To rezone the application site from “Green Belt” to “Other Specified Uses” annotated “Columbarium”, Lot No. 4 (Part) in D.D. Cheung Chau, Cheung Chau
(RNTPC Paper No. Y/I-CC/3)

3. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Ove Arup) was the consultant of the applicant. Mr Ivan C.S. Fu who had current business dealings with Ove Arup, had declared an interest in this item. Professor S.C. Wong who was the traffic consultant of Ove Arup and also being the director of the Institute of Transport Studies with some activities of the Institute sponsored by Ove Arup, had also declared an interest in this item. The Committee noted that the applicant had requested for deferment of consideration of the application and Mr Fu and Professor Wong had no direct involvement in the application. Members noted that Mr Fu had not yet arrived at the meeting and agreed that Professor Wong could stay in the meeting.

4. The Committee noted that the applicant requested on 30.4.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the second time that the applicant requested for deferment.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Ms Sandy S.K. Ng, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/21 Proposed School (3-storey Annex Block) and Minor Relaxation of Building Height Restriction from 6m to 10.05m in "Government, Institution or Community (2)", "Green Belt" and "Village Type Development" Zones, Northern Lamma School, No. 1 Yung Shue Ling, Yung Shue Wan, Lamma Island
(RNTPC Paper No. A/I-LI/21)

Presentation and Question Sessions

6. Ms Sandy S.K. Ng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed school (3-storey Annex Block) and minor relaxation of building height (BH) restriction from 6m to 10.05m;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Secretary for Education supported the

application from education point of view. The Director of Agriculture, Fisheries and Conservation advised that comparing with the approved scheme, the proposed building would further encroach upon the “Green Belt” and “Village Type Development” zones which in turn would affect more existing trees. The applicant was advised to avoid/minimise the disturbance to the existing trees as far as practicable. The Chief Engineer/Hong Kong & Islands, Drainage Services Department (CE/HK&I, DSD) advised that the applicant was required to submit Sewerage Impact Assessment to the satisfaction of Environmental Protection Department and to implement the works/mitigation measures to the satisfaction of DSD;

- (d) during the first three weeks of the statutory publication period, five public comments from the Lamma Island (North) Rural Committee, a member of Islands District Council, village representatives of Sha Po Village and Tai Yuen Village and a member of the public were received. All of them supported the application as the proposed development would improve the teaching and learning environment of North Lamma School. The proposed building would enhance the teaching quality of the school and would benefit the students. 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. Although the increase in building footprint would require additional felling of trees, the applicant had submitted landscape and tree preservation proposals to mitigate the adverse landscape and visual impacts. The Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the application. Appropriate approval condition and advisory clauses regarding tree preservation on the site were recommended. As to the concerns on the possible impact on sewerage, appropriate approval conditions and advisory clauses were proposed.

7. Members had no question on the application.

Deliberation Session

8. 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 9.5.2018, 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 landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) the submission of a sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (d) the implementation of the sewerage works/mitigation measures to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of District Lands Officer/Islands, Lands Department (LandsD) that the proposed development shall comply with all the Engineering Conditions of the PGLA No. IS428;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that:
 - (i) in order to minimise the adverse landscape impact on existing landscape resource, (i.e. tree no. T66), alternative options should be considered to reduce the size of the proposed foundation of the Annex Block;

- (ii) tree photos showing the existing trees conditions should be provided in the tree preservation proposal; and
 - (iii) opportunity should be taken to maximise the landscape greenery adjacent to the north of the proposed Annex Block;
- (c) to note the comments of the Chief Engineer/Hong Kong & Islands, Drainage Services Department (DSD) that a public sewer connection point is available in the vicinity of the Site. The applicant is therefore required to carry out sewerage connection works at his own cost to the satisfaction of DSD;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that site formation works are likely to be required for the proposed development. The applicant is reminded to submit the site formation plans to the Buildings Department (BD) for approval prior to commencement of the works;
- (e) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licence, BD that:
 - (i) before any new building works are to be carried out on the Site, the prior approval and consent from 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 Buildings Ordinance;
 - (ii) if the Site does not abut a “Specified Street” of not less than 4.5m wide, the development intensity (i.e. plot ratio and site coverage) should be subject to determination under Building (Planning) Regulations 19(3) upon formal submission of building plan for any new buildings. In making such a determination, factors relating to

safety, traffic, service access and drainage capacity will be considered together with the comments from relevant Government departments like LandsD, PlanD, Transport Department, DSD, Fire Services Department (FSD) etc. Without the supports from the relevant Government departments, the proposed development intensity is unlikely to be accepted; and

- (iii) the proposal should be provided with Emergency Vehicular Access and Means of Escape to street, and may need to be resolved with FSD and LandsD upon building plan submission;
- (f) 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 Buildings 2011 administrated by the Buildings Department.”

[The Chairman thanked Ms Sandy S.K. Ng, STP/SKIs, for her attendance to answer Members' enquires. Ms Ng left the meeting at this point.]

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-CWBS/16 Proposed Public Utility Installation and associated Excavation of Land in “Conservation Area” and “Village Type Development” Zones, Hillside / Footpath to the south-west of Caribbean Villa in D.D. 230, Sheung Sze Wan, Sai Kung
(RNTPC Paper No. A/SK-CWBS/16)

10. The Committee noted that the applicant requested on 16.4.2014 for deferment of the consideration of the application for three months in order to allow time to conduct a geotechnical assessment on the existing slope to address the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department. This

was the first time that the applicant requested for deferment.

11. 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, instead of three months as requested by the applicant, for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Sha Tin, Tai Po and North District

Agenda Item 6

Section 12A Application

[Open Meeting]

Y/NE-PK/5

Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11, To rezone the application site from "Green Belt" to "Government, Institution or Community (1)", Lot No. 2100 (Part) in D.D. 91, Tai Lung, Sheung Shui
(RNTPC Paper No. Y/NE-PK/5)

12. 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 to address the issues on festival days including traffic arrangement, traffic assessment, vehicular access and landscape improvement raised by concerned Government departments. This was the first time that the applicant requested for deferment.

13. After deliberation, the Committee decided to defer a decision on the application

as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/844 Shop and Services (Bicycle Shop) in “Industrial” Zone, Unit 4D
(Portion), G/F, Fo Tan Industrial Centre, 26-28 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/844)

Presentation and Question Sessions

14. 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) shop and services (bicycle shop);
- (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 (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

15. Members had no question on the application.

Deliberation Session

16. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the provision of the fire service installations and equipment within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2014; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

- (b) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that:
 - (i) the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected; and
 - (ii) the subdivision of the unit/premises should comply with the provisions of Buildings Ordinance/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the Buildings Ordinance to co-ordinate the building works, if any; and
- (e) to note the comments of the Director of Fire Services that:
 - (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application;
 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in

Buildings” which is administered by the Building Authority; and

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

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

Agenda Items 8 and 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/465 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 461 RP in D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/465 and 466)

A/NE-KLH/466 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 461 S.A in D.D. 7, Tai Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/465 and 466)

18. As the two applications were similar in nature (Small House) and the application sites were close to each other, the Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (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 applications as the sites had high potential for rehabilitation of agricultural activities. Other concerned Government departments had no objection to or no adverse comment on the applications;
- (d) for Application No. A/NE-KLH/465, one public comment was received during the first three weeks of the statutory publication period. The commenter objected to the application mainly for reasons of being not in line with the planning intention of the “Agriculture” (“AGR”) zone; adverse impact on reduction of agricultural land/food production; and there were some landscape changes in the site and any “destroy first, build later” activities should be investigated. For Application No. A/NE-KLH/466, two public comments were received during the first three weeks of the statutory publication period. The commenters objected to the application mainly for reasons of being not in line with the planning intention of the “AGR” zone; cumulative impact including potential farmland degradation; no impact assessment for traffic or environment; and there were some landscape changes in the site and any “destroy first, build later” activities should be investigated. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The application sites fell partly within “Village Type Development” (“V”) zone (23% and 41% for Applications No. A/NE-KLH/465 and 466 respectively) and partly within “AGR” zone (77% and 59% respectively). The proposed Small House developments were 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. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this connection, DAFC did not support the applications as the sites had high potential for rehabilitation of agricultural activities. According to the Lands Department’s record, the total number of outstanding Small House application for Tai Hang was 48 while the 10-year Small House demand forecast for the same village was 225. Based on the latest estimate by PlanD, about 9.99 ha (or equivalent to about 399 Small House sites) of land were available within the “V” zone of Tai Hang. Therefore, there was sufficient land available within the “V” zone to meet the future Small House demand of about 6.83 ha (or equivalent to about 273 Small House sites). The applications did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as there was sufficient land in the “V” zone of Tai Hang to meet the forecast Small House demand. The applicants failed to demonstrate in the submission why there was no alternative land available within areas zoned “V” for the proposed developments. Approval of the applications would set undesirable precedents for other similar applications in the area. There was no strong justification provided by the applicants to merit sympathetic consideration of the applications.

20. Members had no question on the applications.

Deliberation Session

21. After deliberation, the Committee decided to reject the applications. 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 for each application were :

“(a) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there is sufficient land available within

the “Village Type Development” (“V”) zone to fully meet the forecast Small House demand; and

- (b) the applicant fails to demonstrate in the submission why there is no alternative land available within areas zoned “V” for the proposed development.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/503 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone and an area shown as ‘Road’, Lot 917 S.B ss.1 S.B
ss.2 in D.D. 8, Ping Long Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/503)

Presentation and Question Sessions

22. 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) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell entirely outside any village ‘environs’ (VE). The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities.

The Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2), WSD) advised that the site fell within upper indirect water gathering ground (WGG). He did not support the application as the footprint of the proposed Small House was entirely outside “Village Type Development” (“V”) zone and VE of any recognised village. The Commissioner for Transport (C for T) did not support the proposed development involving an area shown as ‘Road’ as it would jeopardize the future design and implementation of road widening scheme along Lam Kam Road. 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 (Tai Po); 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 partly within the “Agriculture” (“AGR”) zone (34%) and partly within an area shown as ‘Road’ (66%) on the approved Lam Tsuen OZP No. S/NE-LT/11. 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. 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 agricultural point of view as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities. Besides, C for T did not support the application as the proposed development involving an area shown as ‘Road’ would jeopardize the future design and implementation of road widening scheme along Lam Kam Road. The site fell within the indirect WGG. CE/Dev(2), WSD objected to the application as the footprint of the Small House fell entirely outside “V” zone and VE and compliance with items (a) and (b) of the Interim Criteria for Consideration of Application for NTEH/Small House in

the New Territories (the Interim Criteria) could not be established. Although there was a shortage of land within the “V” zone to meet the future Small House demand, the site and the proposed Small House footprint fell entirely outside the “V” zone and VE of Ping Long and Tai Om. DLO/TP, LandsD did not support the application as the site fell entirely outside any VE. According to the Interim Criteria, Small House development with more than 50% of the footprint outside both the VE and the “V” zone would normally not be approved unless under very exceptional circumstances. The applicant had not provided any justification to demonstrate any exceptional planning circumstances in the current application. In this regard, the application was considered not in line with the Interim Criteria.

23. Members had no question on the application.

Deliberation Session

24. 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 falls partly within an area shown as ‘Road’ on the Outline Zoning Plan and would jeopardise the future design and implementation of road widening scheme along Lam Kam Road. The proposed development is also not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission to justify a departure from the planning intention; and
- (b) the proposed development does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small

House in the New Territories” in that the footprint of the proposed Small House falls entirely outside both the “Village Type Development” zone and the village ‘environs’ of Ping Long and Tai Om.”

[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 Items 11 to 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/83 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1518 S.A ss.1 in D.D. 39, Ma Tseuk Leng,
Sha Tau Kok
(RNTPC Paper No. A/NE-LK/83 to 84)

A/NE-LK/84 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1518 RP in D.D. 39, Ma Tseuk Leng, Sha Tau
Kok
(RNTPC Paper No. A/NE-LK/83 to 84)

25. As the two applications were similar in nature (Small House) and the application sites were close to each other, the Committee agreed that the two applications should be considered together.

26. The Committee noted that a missing page on the public comment of Application No. A/NE-LK/83 was tabled at the meeting.

Presentation and Question Sessions

27. 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) proposed house (New Territories Exempted House (NTEH) - Small House)

at each of the application sites;

- (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 applications as the application sites had high potential for agricultural rehabilitation and the sites were located in the immediate vicinity of a natural stream with trees growing within its riparian areas. The proposed developments including the site formation works might cause potential adverse impacts on the stream. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) advised that one existing young tree was located within the site boundary of Application No. A/NE-LK/84, and would likely be affected by the proposed Small House development. Some minor disturbance to existing landscape resources was anticipated. However, the loss of the young tree could be compensated by new tree planting within 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 period, three public comments were received. One of which was received from a North District Council member who supported the applications as they offered convenience to the villagers. The other public comments from Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited expressed concern on the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone; the proposed developments would impose adverse ecological impact as the sites were well-vegetated and a natural stream was located next to the sites; no traffic and environmental assessments had been conducted; the area of agricultural land in Hong Kong should not be further reduced to safeguard the food supply in Hong Kong; and approval of the cases would set an undesirable precedent for similar applications. The District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee supported the applications, while a North District Council member and one of the village

representatives of Ma Tseuk Leng Ha 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 made in paragraph 11 of the Paper. As regards DAFC's comment of not supporting the application and the adverse public comments, the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the footprints of the proposed Small Houses fell within the village 'environs' of Ma Tseuk Leng, Ma Tseuk Leng San Uk Ha & Wo Tong Kong and there was insufficient land within the "Village Type Development" zone of Ma Tseuk Leng to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. On the impact on natural stream, it should be noted that the sites were outside the water gathering ground and separated from the stream nearby by an existing footpath in the northeast at a distance of about 15m. The septic tank of the proposed Small Houses under application had been placed at the western fringe of the sites to keep away from the stream as far as possible. As regards the traffic aspect, the Transport Department had no objection to or no adverse comment on the applications. As regards setting undesirable precedent, fourteen similar applications within the same "AGR" zone had been approved by the Committee between 2000 and 2013. For the CTP/UD&L, PlanD's concern on the existing tree falling within the site boundary of application No. A/NE-LK/84, an approval condition on the submission and implementation of landscape proposal was recommended.

28. In response to a Member's enquiry, Mr Wallace Tang responded that Application No. A/NE-LK/78 was rejected by the Committee mainly on the ground that the Small House and the proposed septic tank were close to the stream nearby. Application No. A/NE-LK/80 on the same site was subsequently approved as the applicant had adjusted the Small House footprint and septic tank westwards to be further away from the stream.

29. After deliberation, the TPB 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 9.5.2018, 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. Each of the permissions was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the Site is in an area where no public sewerage connection is available;
- (b) to note the District Lands Officer/North, Lands Department’s (LandsD) comments that as the proposed sewage disposal system is located within a distance of 15 to 30m from an existing stream, the applicant is required to construct the septic tank with standards in line with the Environmental Protection Department’s ProPECC PN 5/93 (i.e. special septic tank);
- (c) to follow the requirements as set out in the ProPECC PN 5/93 published by the Director of Environmental Protection on the design and construction of the septic tank and soakaway pit system for the proposed Small House;
- (d) to note the Chief Engineer/Development (2), Water Supplies Department’s comments 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 Site is located within the flood pumping gathering ground;
- (e) to note the Director of Fire Services' comments 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;
- (f) to strictly confine the construction works of the proposed Small House within the Site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream;
- (g) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that any access road leading from Sha Tau Kok Road to the Site is not maintained by the Highways Department; and
- (h) 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."

31. As the Chairman had to leave for another meeting, the Vice-chairman took up the chairmanship from this point.

[The Chairman left the meeting at this point.]

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/540 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1773 S.B ss.3 in D.D. 76, Leng Tsui Village,
Fanling
(RNTPC Paper No. A/NE-LYT/540)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – 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 agricultural development point of view as the site was an abandoned land overgrown with common and weedy plant species and was of high potential for agricultural rehabilitation. 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, three public comments were received. One of which was from a North District Council member who supported the application as it would bring convenience to villager(s). Other public comments were from Kadoorie Farm and Botanic Garden and Designing Hong Kong Limited which

objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; consideration should be given to the cumulative impact of approving similar applications in the same “AGR” zone and the loss of land for agriculture; no public gain for the proposed development had been established; and no traffic and environmental assessments had been included in the submissions. The District Officer (North) advised that the Chairman of Fanling District Rural Committee raised objection to the application on the ground that the application was a kind of private developer’s project, but not for domestic purpose of villager(s) while the Resident Representative of Leng Tsui commented that the planning, accessibility and drainage issues should be properly dealt with by the applicant; 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 DAFC’s comment of not supporting the application and the adverse public comments, the application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell within the village ‘environs’ of Ma Mei Ha Leng Tsui and Leng Pei Tsuen and there was insufficient land within the “Village Type Development” 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 application. The proposed Small House development was not incompatible with the surrounding area which was rural in character dominated by village houses and farmlands. Significant changes or disturbance to the existing landscape character and resources arising from the proposed development were not anticipated. The proposed development was also not expected to have significant adverse traffic, environmental and drainage impacts on the surrounding area. Relevant Government departments, including Transport Department and Environmental Protection Department had no adverse comment on or no objection to the application. Regarding the local objection from the

Chairman of Fanling District Rural Committee, it should be noted that the application was submitted by an indigenous villager though his eligibility for Small House grant had yet to be ascertained.

33. Members had no question on the application.

Deliberation Session

34. In response to a Member's enquiry, the Secretary said that the applicant's identity as an indigenous villager would be verified by the Lands Department (LandsD) when the applicant submitted his Small House application to LandsD for a land concessionary grant under the Small House Policy. If the applicant could not prove his status as an indigenous villager, he could not implement the Small House development under this planning application even it was approved by the Committee.

35. 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 9.5.2018, 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;
- (b) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (i) for provision of water supply to the development, the applicant may need to extend their 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;
- (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 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;
 - (d) to note the comments of the Director of Environmental Protection that the design, construction and maintenance of the septic tank and soakaway pit system should meet the requirements as set in the ProPECC PN5/93;
 - (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) as follows:
 - (i) the Site is in an area where no DSD water drainage is available; and
 - (ii) the Consultants Management Division of DSD has completed construction of sewerage works in the vicinity of the Site under Contract No. DC/2006/17 but it has not covered the subject lot; 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 applicants 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 14 to 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/89 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 328 S.B. in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/89 to 94)

A/NE-MUP/90 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 331 S.C. in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/89 to 94)

A/NE-MUP/91 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 328 S.A in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/89 to 94)

A/NE-MUP/92 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 328 S.C in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/89 to 94)

A/NE-MUP/93 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 328 S.D in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/89 to 94)

A/NE-MUP/94 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 328 S.H in D.D. 37, Man Uk Pin Village, Sha
Tau Kok
(RNTPC Paper No. A/NE-MUP/89 to 94)

37. As the six applications were similar in nature (Small House) and the application sites were close to each other, the Committee agreed that the six applications should be considered together.

38. The Committee noted that ten missing pages of the Paper, which were mainly the lot index plans forming part of the submissions of the applicants, were tabled at the meeting.

Presentation and Question Sessions

39. 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) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (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 applications from the agricultural development point of view as the application sites were part of a plant nursery (except Application No. A/NE-MUP/90) and the agricultural activities in the vicinity were active. DAFC also had reservation on the applications from nature conservation point of view as the sites were immediately adjacent to the Man Uk Pin Stream, with its upstream being

listed as an Ecologically Important Stream (EIS). There was no information in the applications to address the potential impact on the stream and its riparian zone. 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, eight public comments were received on all the applications. One of which was from a North District Council (NDC) Member who supported the applications as it would bring convenience to the villagers. The remaining seven public comments objected to the applications mainly on the grounds that the applications were not in line with the planning intention of the “Agriculture” (“AGR”) zone and would set an undesirable precedent for similar Small House developments; the cumulative impact of approving more Small House applications would cause degradation of the rural character of the area and water pollution to the EIS; there was still plenty of land within the “Village Type Development” (“V”) zone of Man Uk Pin for Small House development; approval of the applications would worsen the flooding problem, overload the existing substandard vehicular access and limited car parking facilities, increase fire hazard, pollute natural stream course and flood pumping gathering ground, and reduce agricultural land and food supply, etc.; to compensate the loss of agricultural land, the northern part of the “V” zone, which was of high biodiversity, should be rezoned to “AGR”; and the substandard single-track access road should be improved. The District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee supported the applications, while a NDC member and two village representatives of Man Uk Pin had no comment; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. As regards DAFC’s comments of not supporting the applications and the adverse public comments, the applications generally met the Interim Criteria for assessing planning application for NTEH/Small House development in that more than 50% of the footprints of the proposed Small

Houses fell within the village 'environs' of Man Uk Pin Village and there was insufficient land within the "V" zone of Man Uk Pin Village to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. The proposed Small Houses were located adjacent to the existing villager proper of Man Uk Pin Village and situated in an area of rural landscape character dominated by village houses and farmland. The proposed Small Houses were not incompatible with the surrounding rural landscape character. In this regard, the Chief Town Planner/Urban Design and Landscape, PlanD had no objection to the applications from the landscape planning point of view. Approval conditions on the submission and implementation of landscape proposals were recommended to minimise the possible adverse landscape impact of the proposed developments. DAFC had reservation on the applications from the nature conservation point of view as the sites were adjacent to the Man Uk Pin Stream, of which its upstream was an EIS administered by DAFC. In particular, the site of application No. A/NE-MUP/94 was the nearest to the Man Uk Pin Stream which was about 3m to its west. However, it should be noted that the upstream of Man Uk Pin Stream listed as EIS was about 60m to the north of the proposed Small Houses which was at the downstream. The Environmental Protection Department had no objection to the applications as the sites were outside the water gathering ground and the small scale of the proposed developments would unlikely cause major pollution to the area. It was also noted that the septic tank of the proposed Small House under application No. A/NE-MUP/94 had been placed at the western fringe of the site to keep away from the stream as far as possible. Other Government departments consulted, including the Transport Department and the Drainage Services Department, had no comment on or no objection to the applications. Approval conditions on the submission and implementation of drainage proposals to address the possible drainage impacts were recommended. Ten similar applications within the same "AGR" zone in close proximity to the sites were approved by the Committee or the Board on review between 2001 and 2014. There had not been any material change in planning circumstances for the area since the approval of these applications.

40. Members had no question on the applications.

Deliberation Session

41. 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 9.5.2018, 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. Each of the permissions was subject to the following conditions :

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that:
 - (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 and to resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
 - (ii) the Site is located within flood pumping gathering ground;

- (b) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the Site is in an area where public storm water drainage and public sewerage connection are not available;
- (c) to note the Director of Fire Services' comments that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to follow the requirements as set out in the ProPECC PN 5/93 published by the Director of Environmental Protection on the design and construction of the septic tank and soakaway pit system for the proposed Small Houses;
- (e) to strictly confine the construction works within the site and implement good site practices and other appropriate measures to avoid disturbance to the adjoining stream; 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 Board where required before carrying out the road works."

Agenda Items 20 to 22

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/47 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" Zone, Lot 1512 S.A in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/47 to 49)

A/NE-PK/48 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1512 S.C in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/47 to 49)

A/NE-PK/49 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 1512 S.D in D.D. 91, Kai Leng, Sheung Shui (RNTPC Paper No. A/NE-PK/47 to 49)

43. As the three applications were similar in nature (Small House) and the application sites were close to each other, the Committee agreed that the three applications should be considered together.

Presentation and Question Sessions

44. 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) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (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 applications as active agricultural activities were noted in the vicinity of the application sites and the sites had high potential for agricultural rehabilitation. 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, six public comments were received for application No. A/NE-PK/47, and seven public comments were received for applications No. A/NE-PK/48 and 49. Among the public comments received, a North District Council (NDC)

member supported all the applications as they could facilitate villagers to build Small Houses. Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to all the applications mainly on the grounds that the proposed developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; the potential cumulative impacts of approving Small Houses developments in the same “AGR” zone should be considered; no environmental, traffic, drainage and sewage assessments had been conducted; and agricultural land should be retained to safeguard the food supply for Hong Kong. The remaining public comments were received from individuals and some local villagers who objected to the applications mainly for the reasons that the applicants were not indigenous villagers of Ping Kong Village; the sites fell outside the village ‘environs’ (VE); and approval of such cases would set undesirable precedents for similar applications. The District Officer (North) advised that the Indigenous Inhabitant Representative (IIR) of Ping Kong raised objection to the applications while the Incumbent NDC Constituency member, the Chairman of Sheung Shui District Rural Committee, the IIR of Kai Leng, and the Resident Representative of Kai Leng and Ping Kong 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 made in paragraph 11 of the Paper. As regards DAFC’s comment of not supporting the applications and the adverse public comments, the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprints of the proposed Small Houses fell within the VE of Kai Leng and there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. The proposed Small Houses were considered not incompatible with the surrounding area of rural landscape character dominated by temporary structure, farmland and tree groups. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had no objection to the applications but commented that the two and three existing trees falling

within the site boundary of applications No. A/NE-PK/48 and 49 respectively might be affected and the existing tree adjacent to the site of application No. A/NE-PK/47 might be affected by the construction activity. In this regard, an approval condition on the submission and implementation of landscape proposal was recommended in each application to minimise the possible adverse landscape impact of the proposed development. The proposed developments were not expected to have significant adverse environmental, drainage and traffic impacts on the surrounding area. Concerned departments had no adverse comment on or no objection to the applications. Twenty-three similar applications within the same "AGR" zone were approved with conditions by the Committee between 2001 and 2013. There had not been any material change in planning circumstances for the area since the approval of these applications.

45. Noting that there were existing trees identified within the application sites, a Member asked, for this kind of cases, whether there would be a time limit for the compliance with the approval condition of submission and implementation of landscape proposal. Mr Wallace W.K. Tang, STP/STN, replied that generally the applicant was required to submit the landscape proposal to PlanD or the Board for consideration before commencement of the development. If the landscape proposal was acceptable to the PlanD or the Board, the applicant had to implement the accepted landscape proposal.

Deliberation Session

46. The same Member asked whether the suggested approval condition could ensure that the existing trees within the application sites could be compensated. With reference to Plan A-2 of the Paper, Mr Wallace W.K. Tang responded that some existing trees were located within the footprints of the proposed Small Houses, it would be difficult to avoid affecting these trees. However, CTP/UD&L, PlanD had advised that these trees were common species and the loss of these trees could be compensated by providing new tree planting within the sites to minimise the landscape impact. Therefore, she had no objection to the applications. The Vice-chairman added that approval condition (c) stated that the submission and implementation of landscape proposal had to be complied with to the satisfaction of the Director of Planning. Therefore, the landscape proposal to be submitted

by the applicants in future would be scrutinised by PlanD.

47. 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 9.5.2018, 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. Each of the permissions was subject to the following conditions :

- “(a) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site was in an area where no public sewerage connection was 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 Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are some trees within and immediately adjacent to the Sites and necessary measures should be implemented as far as practicable to prevent causing adverse impacts to the trees;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Yu Tai Road to the 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 Board where required before carrying out the road works.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-STK/2 Proposed Utility Installation for Private Project (Electricity Substation)
in “Village Type Development” Zone, Lot 142 RP (Part) in D.D. 41,
Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/2)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed utility installation for private project (electricity substation);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. 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, three public comments were received. Two of the public comments were submitted by two North District Council members who supported the application as the proposed electricity substation was necessary to support the living of the villagers and it was good for villagers. The other one was submitted by the Sha Tau Kok District Rural Committee (STKDRC) who objected to the application on the ground that the Village Representatives (VR) of Tam Shui Hang Village was of the view that the site was close to pedestrian pavement and Sha Tau Kok Road, which might affect the future road widening project. The District Officer (North) advised that the North District Councillor and one of the VR of Tam Shui Hang supported the application while the Chairman of STKDRC raised objection to the application on the same ground as received in the public comments. The other two VRs of Tam Shui Hang and both VRs of Muk Min Tau and Tsiu Hang 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 10 of the Paper. As regards the public comment on possible impact on future road widening, it should be noted that the Transport Department (TD) had indicated that

there was no plan to widen this section of Sha Tau Kok Road. The applicant had also allowed a 7m separation from Sha Tau Kok Road to cater for future widening and TD had no objection to the application.

50. Members had no question on the application.

Deliberation Session

51. 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 9.5.2018, 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 water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owner of the lot shall apply to his office for a Short Term Waiver (STW) for the proposed structure. There is no guarantee that the application for STW will be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed including the payment of STW fee;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
 - (i) before any new building works are to be carried out on the Site, the

prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);

- (ii) 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;
 - (iii) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that the area 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;
 - (iv) in connection with (i) 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 Building (Planning) Regulations (B(P)R) respectively; and
 - (v) if the Site does not abut 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;
- (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;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Sha Tau Kok Road to the Site is not maintained by HyD;

- (e) to note the comments of the Director of Health that according to the WHO, with compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (f) to note the comments of the Commissioner for Transport that the access leading to the Site is a village road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that as some mature trees are found growing adjacent to the Site and along Sha Tau Kok Road, the applicant should be advised to adopt good site practice and appropriate measures to avoid disturbing the trees as far as possible;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant is recommended to seek the agreement of the adjacent landowner to implement landscaping surrounding the substation; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (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 application 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:

- (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 the 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 electricity supply lines.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/470 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 5 S.A in D.D. 46, Tai Tong Wu, Sha Tau Kok
(RNTPC Paper No. A/NE-TKL/470)

53. The Committee noted that three missing pages of the Paper (plans showing location and access of the proposed house) forming part of the applicant’s submission were

tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – 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) during the first three weeks of the statutory publication period, two public comments were received. One of which was from a North District Council (NDC) member who supported the application as it would bring convenience to the villager. The other public comment was submitted by Designing Hong Kong Limited which objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” (“AGR”) zone. Approval of similar applications would result in loss of farmland; no planning gain would be achieved by the proposed development; and no traffic or environmental assessment had been included in the application to assess the potential impact. The District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee and the Village Representatives of Tai Tong Wu supported the application, while a NDC member had no comment; 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 adverse public comments, the Director of Agriculture,

Fisheries and Conservation had no comment on the application from nature conservation and agricultural point of view, as the site had been hard-paved and surrounded by Small Houses and agricultural lives in the vicinity were inactive. The application generally met the Interim Criteria for assessing planning applications for NTEH/Small House development in that more than 50% of the footprint of the proposed Small House fell within the village 'environs' of Tai Tong Wu Village and there was insufficient land within the "Village Type Development" zone of Tai Tong Wu Village to meet the Small House demand. Hence, sympathetic consideration could be given to the application. Other Government departments consulted, including the Transport Department and the Environmental Protection Department, had no comment on or no objection to the application.

55. Members had no question on the application.

Deliberation Session

56. 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 9.5.2018, 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that:
- (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 and to resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
 - (ii) the Site is located within flood pumping gathering ground;
- (b) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the site is in an area where public sewerage connection is not available;
- (c) to note the Director of Fire Services’ comments that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to follow the requirements as set out in the ProPECC PN 5/93 published by the Director of Environmental Protection on the design and construction of the septic tank and soakaway pit system for the proposed Small House; 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 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/1 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Government
Land in D.D. 82, Kan Tau Wai Village, Ta Kwu Ling North
(RNTPC Paper No. A/NE-TKLN/1)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had strong reservation on the application as the application site fell partly within the “Green Belt” (“GB”) zone. The site and its immediate vicinity was covered with vegetation including trees and bamboo clump, which formed part of a long strip of fung shui woodland. A protected plant species of conservation concern, *Pavetta hongkongensis* (香港大沙葉), was recorded immediately adjacent to the subject site. The trees and vegetation within the fung shui woodland including the protected plant would likely be affected by the proposed development. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. The existing trees and vegetation within the site would likely be affected by the proposed development. Significant impact on existing landscape resources and character was anticipated. In addition,

the proposed Small House would encourage further impact on the wooded area by extending the village area and encroachment onto the “GB” zone. The landscape quality of the area would deteriorate and intactness of the “GB” zone would be undermined. 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, three public comments were received. One of them was submitted by a North District Council member who supported the application as it was good for the villagers. The other two were submitted by Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited which objected to the application on the grounds that the Small House development was not in line with the planning intention of “GB” zone and did not comply with the Town Planning Board Guidelines No. 10; the applicant had not provided environmental, traffic, drainage and sewerage assessments to substantiate the development; the proposed Small House development was not served by vehicular access, right of way and parking facilities which might lead to illegal occupation of land for such uses; and the approval of the application would set an undesirable precedent and the potential cumulative impacts would be substantial. The District Officer (North) advised that the Vice-chairman of Ta Kwu Ling District Rural Committee, the Incumbent North District Council member and the Indigenous Inhabitant Representative of Kan Tau Wai supported the application while the Resident Representative of Kan Tau Wai had no comment on it.; 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 application site fell partly within “Village Type Development” (“V”) (55%) zone and partly within “GB” (45%) zone. The proposed Small House development was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by

natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong justification had been given by the applicant in the submission to merit a departure from the planning intention of the “GB” zone;

- (ii) according to Lands Department’s records, the total number of outstanding Small House applications for Kan Tau Wai Village was 17 while the 10-year Small House demand forecast for the same village was 110. Based on the latest estimate by the PlanD, about 3.06 ha (equivalent to about 122 Small House sites) of land were available within the “V” zone of Kan Tau Wai Village. Although there was marginally insufficient land in the “V” zone to meet the estimated demand for Small Houses (i.e. about 3.17 ha of land which was equivalent to about 127 Small House sites), it was noted that land (about 3.06 ha) was still available within the “V” zone for Small House development;
- (iii) the site was situated in an area of rural landscape character. The proposed development would affect the existing trees and vegetation within the site. CTP/UD&L, PlanD objected to the application and DAFC had strong reservation on the application as detailed in para. (c) above;
- (iv) although the proposed Small House footprint fell entirely within the village ‘environs’ and there was a general shortage of land in meeting the future Small House demand, the proposed development did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas and would frustrate the planning intention of the “GB” zone. The proposed Small House also did not comply with the Town Planning Board Guidelines No. 10 for development within “GB” zone in that the proposed development would affect the

existing natural landscape on the surrounding environment. As land was still available within the “V” zone of Kan Tau Wai Village for Small House development, it was more appropriate to concentrate those proposed Small Houses within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Approval of the application would encourage similar Small House applications encroaching onto the “GB” zone leading to further degradation of the landscape quality in the surrounding area.

59. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone in the Ta Kwu Ling North area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is no strong planning justification in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines No. 10 on ‘Application for Development within “Green Belt” Zone under Section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of vegetation and would affect the existing natural landscape on the surrounding environment;
- (c) land is still available within the “V” zone of Kan Tau Wai Village which 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, and

- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

[The Vice-chairman thanked Mr Wallace W.K. Tang, STP/STN, for his attendance to answer Members’ enquires. Mr Tang left the meeting at this point.]

61. As the applicant of Application No. Y/YL-KTS/3 under Item 26 had not yet arrived, the Committee agreed that the other items should be considered first.

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 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/366 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 582 in
D.D. 100, Tsiu Keng Lo Wai, Sheung Shui
(RNTPC Paper No. A/NE-KTS/366)

Presentation and Question Sessions

62. 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) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from the perspective of agricultural development as active agricultural activities were noted in the vicinity of the application site and the site had high potential for agricultural rehabilitation. 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, three public comments were received from a North District Council (NDC) member, Kadoorie Farm & Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited (DHKL). The NDC member supported the application as it would bring convenience to concerned villager(s). KFBG and DHKL objected to the application on the grounds that the site fell partly within the “Agriculture” (“AGR”) zone and there were active farmland in the vicinity of the site. There was no justification for the proposed development. The “AGR” zone in Tsiu Keng was still suitable for farming; Hong Kong had lost about 60% of farmland area in the past 50 years and the remaining agricultural areas should be conserved to safeguard the capacity and potential for sustainable food production for the present time and in the future; livelihood of people in the rural communities who possessed skills and knowledge and wished to continue with farming as a traditional way of life should be protected; the Government should take all possible steps to protect and conserve the active, abandoned and illegally degraded agricultural land in Hong Kong. Areas of agricultural land in Hong Kong should not be further reduced; and approval of the application

would set an undesirable precedent for similar applications. The District Officer (North) advised that the incumbent NDC member, the Chairman of the Sheung Shui District Rural Committee and the Indigenous Inhabitant Representative of Tsiu Keng had no comment on the application. The Resident Representative of Tsiu Keng and 蕉徑新圍村駱信公堂司理 raised objection to the application on the grounds that the original road serving Tsiu Keng Village would be occupied by the proposed Small House and interests of the villagers would be affected. Besides, there was agricultural land in the vicinity of the site and construction of the Small House would take up agricultural land; 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 comment of not supporting the application and the adverse public comments, 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' of Tsiu Keng Village and there was insufficient land within the "Village Type Development" ("V") zone of the same village to meet the Small House demand. Hence, sympathetic consideration could be given to the application. The proposed Small House development was not incompatible with the surrounding land uses, which were predominantly rural in nature with approved Small House developments and domestic structures, and the site was located about 50m to the north of Tsiu Keng San Wai village cluster. As regards setting undesirable precedent, there were 20 applications approved with conditions by the Committee between 1999 and 2013, involving application sites that were either located close to Tsiu Keng Road serving as direct vehicular access of the village or fell partly within the "V" zone of Tsiu Keng Village. The situation of the current application was comparable to these approved similar applications as part of the site also fell within the "V" zone of Tsiu Keng Village (about 18.5%), and the current site was located close to Tsiu Keng Road (about 30m to the south of Tsiu Keng Road). Regarding the local view on occupation of original road serving Tsiu Keng Village, the

site was located on a piece of vacant fallow agricultural land with wild grass to the south of Tsiu Keng Road without encroaching onto any access nor footpath to Tsiu Keng San Wai to its south.

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

63. With reference to Plan A-3 of the Paper which showed that various planning applications for Small Houses had been approved to the east of the application site, a Member asked why the aerial photo did not show these approved houses. Ms Wendy Li, STP/FSYLE, responded that the aerial photo was taken in June 2013. According to a recent site visit, some of these Small Houses were under construction.

Deliberation Session

64. 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 9.5.2018, 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Tsiu Keng Road to the Site is not maintained by his department;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the Site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development and the provision of a septic tank;
- (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 Site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD) and that detailed fire safety requirements will be formulated upon receipt of formal application referred by the 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."

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/440 Proposed Temporary Open Storage of Construction Materials
(Excluding Cement, Sand, Chemical Product, Dangerous Goods) for a
Period of 2 Years in “Other Specified Uses” annotated “Railway
Reserve” Zone, Lot 4115 (Part) in D.D. 104, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/440)

Presentation and Question Sessions

66. 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) proposed temporary open storage of construction materials (excluding cement, sand, chemical product, dangerous goods) for a period of 2 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling being about 15m to its north) and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the site was abutting the “Conservation Area” (“CA”) zone in the east. His recent visit revealed that the site and the abutting “CA” zone had been paved. Based on the previous aerial photos, the paved “CA” zone seemed to be paved together with the site between December 2011 and September 2012. With concern on encroachment onto the “CA” zone by the proposed development, he had reservation on the application from nature conservation perspective. The Chief Town Planner/Urban Design and

Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from landscape planning perspective. However, she advised that in view that the site was located directly adjacent to the “CA” zone, a strong buffer with double rows of trees with setback of approximately 4m was recommended. The proposed trees and shrubs should be planted in-ground and shall be stated clearly in the Landscape Proposal. 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 proposed temporary open storage of construction materials (excluding cement, sand, chemical product, dangerous goods) could be tolerated for a period of 2 years based on the assessments made in paragraph 12 of the Paper. As regards DEP’s comment of not supporting the application, no local objection was received during the statutory publication period and DEP had not received any environmental complaints about the site in the past 3 years. To address DEP’s concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities as well as heavy vehicles had been recommended. To address DAFC’s reservation on the application and the concern of CTP/UD&L, PlanD, approval conditions requiring the provision of boundary fencing on the site and submission and implementation of landscape proposal had been recommended.

67. Members had no question on the application.

Deliberation Session

68. In response to a Member’s enquiry on approval condition (b), Mr C.K. Tsang clarified that the operation hours of the proposed use was from 8 a.m. to 6 p.m. from Monday

to Friday, and 8 a.m. to 1 p.m. on Saturday. Approval condition (b) was hence imposed to state clearly that no operation between 1 p.m. to 6 p.m. on Saturday was allowed. The Vice-chairman pointed out that on the restrictions of operation hours, approval conditions (a) and (b) should be read together.

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 9.5.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Saturdays between 1:00 p.m. and 6:00 p.m., 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 are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the provision of boundary fencing on the site within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or the TPB by 9.11.2014;
- (f) the submission of a landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or the TPB by 9.11.2014;
- (g) in relation to (f) above, the implementation of the landscape proposal

within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or the TPB by 9.2.2015;

- (h) the submission of a drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or the TPB by 9.11.2014;
- (i) in relation to (h) 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 the TPB by 9.2.2015;
- (j) 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 20.6.2014;
- (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 9.11.2014;
- (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 9.2.2015;
- (m) 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;
- (n) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application

site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private land within the site is Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval of the government. No approval has been given for the specified structures as office and rain shelter. The site is accessible through an informal tract on Government land (GL) which leads to San Tam Road. His office does not provide maintenance works for the GL nor guarantee right-of-way. No Short Term Waiver application in respect of the application is received. Should planning approval be granted, the lot owner will still need to apply to his office to permit any structures to be erected or regularise any irregularities on the 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;
- (b) to note the Commissioner for Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (c) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department’s comments that the site falls

within the administrative route protection boundary of Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;

- (d) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (e) to note the Director of Agriculture, Fisheries and Conservation’s comments that there is a watercourse along the southern boundary of the site. The applicant should adopt the necessary measures to avoid disturbance and pollution to the watercourse as far as practicable;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that the site is located directly adjacent to the “Conservation Area” zone. A strong buffer with double rows of trees with setback of approximately 4m is recommended. The proposed trees and shrubs should be planted in-ground and shall be stated clearly in the landscape proposal;
- (g) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides, the applicant should observe the good practice guidelines for open storage site in Appendix IV of this RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, he is required to provide justification to his department for

consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval;

- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that before any new building works (including containers and site offices as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (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 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
- (i) to note the Director of Electrical and Mechanical Services' comments that to approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable 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, prior consultation and arrangement with the electricity supplier is necessary; prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/441 Renewal of Planning Approval for Temporary Open Storage of Construction Materials with Ancillary Office and Storage for a Period of 3 Years in “Agriculture” Zone, Lots 126 S.B and 126 RP in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/441)

Presentation and Question Sessions

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

(DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling being about 10m to its east) and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the site had high potential for agricultural rehabilitation as there were agricultural activities in the vicinity and the site was supported by good transportation and irrigation system. As such, he had some concerns on the application from agricultural point of view. In the event that the application be approved, the applicant should, at his/her own cost, properly reinstate the site to a condition suitable for agricultural activities after the planning approval had expired, in order to preserve agricultural land as far as possible. 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 from Designing Hong Kong. The main objecting reasons were that the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the development would lead to degradation of the land and environment even on a temporary basis; and the approval of the application would set an undesirable precedent for similar applications. 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 office and storage use could be tolerated for a further period of 3 years based on the assessments made in paragraph 12 of the Paper. As regards DEP’s comment of not supporting the application, no local objection was received during the statutory publication period and DEP had not received any environmental complaints about the site in the past 3 years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities as well as heavy vehicles had been proposed. Regarding DAFC’s concerns and the adverse public comments, though the development was not in line with the planning intention of the

“AGR” zone, the surrounding land uses were mixed with open storage/storage yards, scattered residential dwellings/structures and vacant/unused land. The site was also physically separated from the major residential development (i.e. Seasons Villas) in the vicinity by Kam Tin River and Kam Tai Road. Relevant Government departments had no objection to the application. To address DAFC’s concern on the need to preserve agricultural land as far as possible, an approval condition requiring the applicant to reinstate the site to the original state prior to the temporary open storage use was recommended. The site was the subject of two previous approved schemes for the same applied uses at the same site. There was no major change in the planning circumstances since the previous planning approvals, and that the applicant had demonstrated efforts to meet the requirements under the approval conditions. Sympathetic consideration could be given to the application.

72. Mr Tony H. Moyung clarified that the last sentence of para. 10.1.1 (a) of the Paper that “no approval has been given for the specified structures as storage and office use” should be deleted as in para. 10.1.1 (b), it was stated that the application site was covered by two Short Term Waivers for storage of construction materials and ancillary office. Members agreed.

Deliberation Session

73. Noting that DEP objected to the application as there were residents nearby and the open storage of sand and mud as shown in the photos in Plan A-4b of the paper, a Member proposed to add an approval condition that materials stored at the site should be covered with canvas or non-permeable material to prevent them from loosening, thereby affecting the nearby streams or causing air pollution. Mr C.K. Tsang responded that it would be difficult to designate a type of material for covering up the materials stored at the site as there was no standard as to which type of material would be most suitable as cover. The Secretary explained that the compliance of such an approval condition would be to the satisfaction of the Director of Planning. As PlanD would make reference to the minutes recording the purpose of this approval condition in vetting the compliance of the approval condition, it might not be necessary to specify the material to be used to cover up the

materials stored at the site. An approval condition in general terms requesting the applicant to cover the materials stored at the site at all times would suffice. Members agreed.

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.5.2014 to 20.5.2017, 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 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 statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out of the site is allowed on the site at any time during the planning approval period;
- (f) the existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (g) the existing boundary fencing at the site 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 site should be kept in a clean and tidy condition and the materials stored at the site should be covered up at all times during the planning approval period;
- (j) the submission of condition records of the existing drainage facilities on-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 20.8.2014;
- (k) 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 20.11.2014;
- (l) in relation to (k) 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 20.2.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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 (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 the original state prior to the temporary open storage use to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from his office. No approval has been given for the specified structures as storage and office use. The site is accessible to Kam Tai Road via Government land. His office does not provide maintenance works for such tracks nor guarantee right-of-way. The lots owners concerned will still need to apply to his office to permit any structures to be erected or regularise any irregularities on the 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;
- (b) to note the Commissioner for Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (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 Director of Agriculture, Fisheries and Conservation’s comments that there are a few large trees and a watercourse adjacent to the site. The applicant should adopt good site practice and implement necessary measures to prevent adversely affecting the nearby trees and watercourse;

- (e) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, he is required to provide justification to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that before any new building works (including ancillary office and storage as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (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 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."

[Ms Janice W.M. Lai and Mr K.C. Siu left the meeting temporarily at this point.]

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/638 Proposed Multi-purpose Room with Ancillary Office, Pantry, Toilets and Store Room (for an Existing Kindergarten) in “Village Type Development” Zone, Government Land in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/638)

Presentation and Question Sessions

76. 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) proposed multi-purpose room with ancillary office, pantry, toilets and store room (for an existing kindergarten);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) advised that the fence wall appeared to be solid and rigid. The applicant should provide articulation in the design of the fence wall as far as possible to permit visual connectivity and enhance cross-ventilation across the site. The applicant should review whether the irregular shape of the multi-purpose room might restrict its adaptability for multi-functions. 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 had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding CA/ASC, ArchSD's concern, the design of the concerned structures could be considered at the detailed design/building plan submission stage. The applicant would also be advised to observe CA/ASC, ArchSD's comments.

77. In response to a Member's question, Mr C.K. Tsang, STP/FSYLE clarified that ArchSD had commented that the fence wall appeared to be solid and rigid and the irregular shape of the multi-purpose room might restrict its adaptability for multi-functions as stated in para. 9.1.10 of the Paper while Buildings Department had no objection to the application.

Deliberation Session

78. 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 9.5.2018, 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;
- (b) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site is accessible from Kam Sheung Road and his office does not provide maintenance works on this part of Government land nor guarantee any right-of-way. The applicant will need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on site. Such application will be considered by the 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 imposed by LandsD;
- (b) to note the Director of Agriculture, Fisheries and Conservation’s comments that there are some trees within and adjacent to the site. The applicant should adopt necessary measures to protect the trees during construction and operation of the multi-purpose room as far as practicable;
- (c) to note the Director of Fire Services’ comments that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as required, the applicant is required to provide justifications to his department for consideration. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments 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 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. 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 Chief Architect/Central Management Division 2, Architectural Services Department 's comments that the fence wall appears to be solid and rigid, the applicant may wish to clarify if such wall is an existing wall and to explore providing articulation in the design of the fence wall as far as possible to permit visual connectivity and enhance cross-ventilation across the site. In addition, the applicant may wish to review whether the irregular shape of the multi-purpose room may restrict its adaptability for multi-functions; and

- (f) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plan obtained, if there is any underground cable (and/or overhead line) within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning

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

[The Vice-chairman thanked Mr C.K. Tsang, STP/FSYLE, for his attendance to answer Members’ enquires. Mr Tsang left the meeting at this point.]

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-KTS/639 Proposed House with Minor Relaxation of Building Height Restriction and Excavation of Land in “Other Specified Uses” annotated “Rural Use” Zone, Lot 618 RP (Part) in D.D. 106, Kam Sheung Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/639)

80. The Secretary reported that CKM Asia Ltd. (CKM) was the consultant of the applicant. Professor S.C. Wong being the director of the Institute of Transport Studies with some activities of the Institute sponsored by CKM, had declared an interest in this item. The Committee noted that the applicant had requested for deferment of consideration of the application and Professor Wong had no direct involvement in the application. Members agreed that Professor Wong could stay in the meeting and continue to chair the meeting.

81. The Committee noted that the applicant requested on 25.4.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the

applicant requested for deferment.

82. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 32

Section 16 Application

[Open Meeting]

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

83. The Secretary reported that the application had been deferred twice at the request of the applicant to allow more time to address departmental comments. The applicant had made effort in preparing relevant submissions for acceptance by the relevant departments. Since the last deferment on 21.2.2014, the applicant had liaised with relevant Government departments in preparing further information in response to the concerns of the Fire Services Department, the Drainage Services Department and the Urban Design and Landscape Section of Planning Department; submitting the drainage and fire service installations proposals, as well as providing clarification on the landscaping aspect. The relevant proposals and clarification were yet to be accepted by the relevant departments. On 25.4.2014, the applicant requested the Board to defer the consideration of the application for two months in

order to allow time for preparation of further information to address departmental comments regarding the further information submitted in March 2014. This was the third time that the applicant requested for deferment.

84. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-MP/229 Proposed Filling and Excavation of Land for House Development with Wetland Habitat in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" Zone, Lots 43 S.A RP, 50 S.A and 50 RP in D.D. 101, Wo Shang Wai, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/229)

85. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson) with Masterplan Ltd. (Masterplan), AECOM Asia Co. Ltd. (AECOM), LWK & Partners (HK) Ltd. (LWK) and MVA Hong Kong Ltd. (MVA) as consultants amongst others. The following Members had declared interests in this item:

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

- Mr Ivan C.S. Fu - having current business dealings with Henderson, Masterplan, AECOM and MVA, and being the director and shareholder of LWK
- Professor K.C. Chau - being an employee of The Chinese University of Hong Kong which had 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 had received donation from Henderson
- Mr H.F. Leung - being an employee of The University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of Henderson
- Professor S.C. Wong - being an employee of HKU which had received a donation from a family member of the Chairman of Henderson and AECOM, and having current business dealings with AECOM

86. Members noted that the interests of Mr Ivan C.S. Fu and Ms Janice W.M. Lai were direct. As the applicant had requested for a deferral of the consideration of the application, Members agreed that they could stay in the meeting but should refrain from participating in the discussion.

87. Members also noted that Professor K.C. Chau, Dr W.K. Yau, Mr H.F. Leung and Professor S. C. Wong had no direct involvement in the subject application and agreed that they could stay in the meeting.

88. The Committee noted that the applicant requested on 28.4.2014 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 from Environmental Protection Department. This was the first time that the applicant requested for deferment.

89. After deliberation, the Committee decided to defer a decision on the application

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

[Ms Janice W.M. Lai and Mr K.C. Siu returned to join the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/300 Temporary Container Tractor/ Trailer Park For a Period of 3 Years in
"Open Storage" Zone, Lots 2688 RP (Part), 2729 (Part) and 2730 RP
(Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei,
Yuen Long
(RNTPC Paper No. A/YL-NTM/300)

Presentation and Question Sessions

90. 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) temporary container tractor/trailer park for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest residential dwelling being about 35m to its southwest) 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 container tractor/trailer park could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comment of not supporting the application, DEP had not received any complaints about the site in the past 3 years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and workshop activities were recommended.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, 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 8:00 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 or public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no cutting, dismantling, melting, cleansing, repairing or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.8.2014;
- (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 9.11.2014;
- (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 9.2.2015;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2014;
- (h) in relation to (g) above, the provision 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 9.2.2015;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h), is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no permission has been given for the proposed use and/or occupation of the Government land (GL) included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Kwu Tung Road through a short stretch of GL. His office provides no maintenance works for this GL nor guarantee right-of-way. No application for Short Term Tenancy (STT) is received as far as the application is concerned. The lot owner(s) concerned will need to apply to his office for an STT and the modification of the terms and conditions of Short Term Waiver No. 3784 to regularise the irregularities on site. Such application(s) 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(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Chief Engineer/Railway Development (2-2), Railway Development Office, Highways Department that the site may fall within the administrative route protection boundary of Northern Link (NOL). The applicant may be required to be vacated at the time for the construction of the proposed NOL;
- (e) to note the comments of the Director of Environmental Protection 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 potential environmental impacts on the

surrounding areas;

- (f) to note the comments of Director of Agriculture, Fisheries and Conservation to adopt good site practices and necessary tree protection measures to protect the trees found in vicinity of the site;

- (g) to note the comments of Chief Engineer/Mainland North, Drainage Services Department (DSD) to provide a set of latest record photographs showing the completed drainage works and marked clearly on the approved drainage plan. DSD will inspect the completed drainage works jointly with the applicant with reference to the set of photographs. 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 office 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 should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL regarding all proposed drainage works outside the site 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;

- (h) to note the comments of the Director of Fire Services that the relevant layout plans incorporated with the proposed fire service installations (FSIs) should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of 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, justifications should be provided to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be

formulated upon receipt of formal submission of general building plans;
and

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/444 Temporary Public Car Park with Ancillary Office for a Period of 3
Years in "Undetermined" Zone, Lots 244 S.B RP (Part), 252 RP (Part),
253 (Part), 254 (Part), 258 (Part), 266 (Part) and 270 in D.D. 99 and
Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/444)

Presentation and Question Sessions

94. 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) temporary public car park with ancillary office 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 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 public car park with ancillary office could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, 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 Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (d) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (e) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (f) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.8.2014;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2014;
- (h) in relation to (g) 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 9.2.2015;
- (i) 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 9.11.2014;
- (j) in relation to (i) 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 9.2.2015;

- (k) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 9.11.2014;
- (l) 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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied development/use at the application 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 District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that no permission has been given for the applied use and/or occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible from Lok Ma Chau Road. His Office provides no maintenance works for the GL involved 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 for a Short Term Tenancy and the modification of the Short Term Waiver's terms and conditions to regularise the 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 note the Commissioner for Transport's comments that the size of private car parking stall should be 5m x 2.5m and the minimum width of aisle should be 6m;
- (f) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department's comments that part of the site falls within the area of influence of the Northern Link but outside the Administrative Route Protection Boundary;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that he is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Lok Ma Chau Road;
- (h) to note the Director of Fire Services' comments 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 reminded 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;

- (i) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 site office as temporary buildings) are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m 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 Chief Engineer/Mainland North, Drainage Services Department's comments 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 Chief Engineer/Development (2), Water Supplies Department's comments 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 centerline of the affected water mains 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 car-parking 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; and

- (1) 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.”

[The Vice-chairman thanked Mr Ernest C.M. Fung, STP/FSYLE, for his attendance to answer Members’ enquires. Mr Fung left the meeting at this point.]

[There was a ten-minute break.]

Agenda Item 26

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-KTS/3 Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, To rezone the application site from “Agriculture” and “Village Type Development” to “Village Type Development”, Lots 1226 S.A to S.J and RP in D.D. 113, Tai Wo Tsuen, Pat Heung, Yuen Long
(RNTPC Paper No. Y/YL-KTS/3)

98. The Secretary reported that Ms Janice W.M. Lai’s family members had properties in Cheung Po Tsuen and she had declared an interest in this item. As Ms Lai’s interest was direct, the Committee agreed that she should leave the meeting temporarily.

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

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

- Ms Maggie M.Y. Chin - District Planning Officer/Fanling, Sheung Shui and Yuen Long East (DPO/FSYLE)
- Mr C.K. Tsang - Senior Town Planner/Yuen Long East (STP/YLE)

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

Mr Au Yick Ming

Mr Wong Hoi Pan

101. The Vice-chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Maggie Chin, DPO/FSYLE, to brief Members on the background of the application.

Presentation and Question Sessions

102. Ms Maggie Chin presented the application and covered the following aspects as detailed in the Paper :

The proposal

- (a) the applicant submitted an application to rezone the application site from "Agriculture" ("AGR") and "Village Type Development" ("V") to "V" to facilitate the development of nine Small Houses. The site, with a total area of 1719.2m², fell within the "AGR" zone (about 73%) and the "V" zone (about 27%) of Cheung Po Tsuen and Tai Wo Tsuen. It was within the village 'environ' (VE) of Tai Wo Tsuen and was currently vacant and covered by trees and shrubs;

Justifications from the applicant

- (b) Tai Wo Tsuen was a recognised indigenous village. The site fell within the VE of Tai Wo Tsuen. Granting Small House application within the village was as of right. The proposed development would involve nine Small House applications to the Lands Department (LandsD) under the Small House Policy. The proposed rezoning would avoid burdening the administrative process;

Background

- (c) since the first statutory town plan for Kam Tin South published in 1990, the

“V” zone of Cheung Po Tsuen and Tai Wo Tsuen had been reviewed and extended from the original 16.77 ha to the current 21.3 ha. The amendments in the “V” of Cheung Po Tsuen and Tai Wo Tsuen had taken into account the then villager clusters, local topography, settlement patterns, ecologically important areas and other site-specific characteristics including vegetations, burial grounds, stream courses, outstanding Small House demands and other relevant planning considerations;

- (d) a land use review of the area in the southern part of the Kam Tin South Outline Zoning Plan (OZP) (including the “V” zone of Cheung Po Tsuen and Tai Wo Tsuen) was conducted by the Planning Department (PlanD) resulting from a rezoning request (Application No. Z/YL-KTS/P7). The land use review was submitted to the Committee for consideration on 10.5.2002. Based on the land use review, it was recommended that the boundaries of the “V” and “AGR” zones should be retained taking into account the relevant planning considerations and any amendments to the land uses should be pursued at a later stage pending the outcome of the Small House Policy Review and relevant strategic review/studies;
- (e) there was one similar s.12A Application No. Z/YL-KTS/5 requesting to rezone the land to the northwest of Cheung Po Tsuen and Tai Wo Tsuen from “AGR” to “V”. The rezoning application was not agreed by the Committee on 28.1.2005 for the reasons that the concerned area comprised active agricultural land; there was no strong reason to depart from the planning intention; there was sufficient land for Small House development reserved in the “V” zone to meet the Small House demand in the next 10 years; and there was no technical information to demonstrate that the proposal would not have adverse environmental, traffic, landscape and drainage impacts on the surrounding areas;

Departmental Comments

- (f) departmental comments were set out in paragraph 9 of the Paper;
- (g) the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD) advised

that the number of outstanding Small House applications in Cheung Po Tsuen and Tai Wo Tsuen were 30 and 49 respectively. The 10-year (2014–2023) Small House demand forecast for Cheung Po Tsuen and Tai Wo Tsuen were 150 and 285 respectively. The ‘VE’ of Tai Wo Tsuen was established in 2007;

- (h) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as a large part of the site fell within the “AGR” zone. The agricultural activities in the vicinity were active and the site had high potential for agricultural rehabilitation;
- (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view and advised that approval of the rezoning application would likely set an undesirable precedent for other similar applications, leading to more piecemeal patches of land being rezoned for small house development. If the site was rezoned, there would be no measure to enforce the applicant to provide information regarding the tree preservation proposal or landscape treatment at the site;
- (j) the District Officer (Yuen Long) had not received any comment from the locals on the application;

Public Comments

- (k) during the first three weeks of the statutory publication period, three public comments were received from a Yuen Long District Councillor, Kadoorie Farm and Botanic Garden Corporation (KFBGC) and Designing Hong Kong Limited (DHKL). The three commenters objected to or raised concerns on the application. The Yuen Long District Councillor queried whether the site was within the VE boundary. He also doubted the genuine need for rezoning for Small House development and questioned the number of indigenous villagers that were eligible for Small House in relation to this application. KFBGC raised concerns that there was still

active farmland in the vicinity of the site and agricultural land in Hong Kong should not be further reduced, and that Small House development should be confined in the “V” zone. DHKL raised objection to the application mainly for the reasons that the application was not in line with the planning intention of the “AGR” zone and Small House development would reduce the farming potential of the area. Besides, there was a no environmental impact assessment for the application;

PlanD's Views

- (l) PlanD did not support the application based on the assessments made in paragraph 11 of the Paper which were summarised as follows:
 - (i) the application was for amendment of the OZP to rezone the subject site from “AGR” (73%) and “V” (27%) to “V” to facilitate the development of nine Small Houses. No specific development proposal or technical assessment on the proposed Small House development had been submitted by the applicant. The site was located at the northeastern fringe of the “V” zone of Cheung Po Tsuen and was part of a large piece of agricultural land to the northeast of Tai Wo Tsuen. The planning intention of the “AGR” zone was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. In this regard, DAFC did not support the application from the agricultural point of view as there was agricultural land in the vicinity and the site had high potential for agricultural rehabilitation;
 - (ii) according to DLO/YL, LandsD, the outstanding Small House applications and the 10-year forecast (2014-2023) for Cheung Po Tsuen and Tai Wo Tsuen were 180 and 334 respectively (514 Small House applications in total, equivalent to about 12.85 ha of land). There was still about 14.46 ha of land (equivalent to about 578 Small House sites) available within the current “V” zone of Cheung

Po Tsuen and Tai Wo Tsuen for Small House developments. Since there was sufficient land in the “V” zone to meet the estimated Small House demand, the current rezoning application did not warrant a sympathetic consideration. Undeveloped land available within the “V” zone should be developed first before considering any extensions;

- (iii) the applicant failed to provide planning justifications to support the rezoning of the site from “AGR” and “V” to “V”. The applicant had not provided information on why the land within the “V” zone was not available for the nine Small house developments. No technical assessments had been submitted to demonstrate that the intended Small House development would not create adverse environmental, ecological, traffic, landscape, drainage and sewerage impacts on the surrounding areas. From the landscape planning point of view, there was reservation on the application as the approval of the application would set an undesirable precedent for other similar applications leading to more piecemeal patches of land to be rezoned for Small House development, and no tree preservation/landscape proposals had been submitted for the proposed development; and
- (iv) a similar rezoning request (Application No. Z/YL-KTS/5) was not agreed by the Committee on 28.1.2005. Approval of the application would set an undesirable precedent for other similar rezoning applications, and the cumulative impact of which would result in adverse impacts on the surrounding areas.

103. Upon the invitation of the Vice-chairman, Mr Au Yick Ming made a presentation of the rezoning application and covered the following main points:

- (a) the Small House Policy was introduced by the Government in 1972. While 42 years had passed, the policy itself and the practice were still intact and workable after numerous challenges and misunderstandings, by some

Government officials, some politicians, members of the public, and by testing in courts;

- (b) the current “V” zone for Tai Wo Tsuen and Cheung Po Tsuen was unreasonable, and insufficient study had been carried out when the first statutory plan was drawn up. PlanD was established in 1990. From August to October 1990, 28 Interim Development Permission Area (IDPA) Plans covering various parts of the New Territories, including the Kam Tin South area were gazetted. The plans were prepared at a very high speed, with an average of 2 days per plan, where mistakes in the zoning boundaries were unavoidable. Members’ attention should be drawn to the old scheduled house lots No. TWTL 1 to 17, which were the oldest village settlements in this area by the Choy Clan. However, they were outside the “V” zone and were now zoned “AGR”. The rebuilding of these houses would face objection from AFCD;
- (c) The VE of Tai Wo Tsuen was drawn up in 2007, proving that the Government recognised the VE after the establishment of the “AGR” zone for 17 years. The Government should have taken the initiative to rezone the area concerned 17 years ago instead of letting the private land owners submit the applications, wasting time and money both on the public side and the Government side. A draft plan from PlanD to rezone the “V” zone was prepared in 2012 and it was wondered why PlanD had not inserted the plan in the Paper for discussion;
- (d) three public comments objecting to the application were received. The public commenters were contacted, with an intention to explain to them that there had been a good reason for the application, and to inform them either through a meeting or by phone. However, there was no response from any of them. It was believed that the objectors objected purely for the purpose of objection and would not listen to explanations;
- (e) from the Government side, only AFCD and PlanD did not support the application. All other Government departments had no adverse comments.

For AFCD, it was their departmental objective to freeze any non-agricultural developments in the “AGR” zone. AFCD’s objection was only standard objection;

- (f) on the landscape aspect, PlanD seemed to assume that LandsD would grant Small Houses at random ruining the landscape. In actual fact, well-planned developments would enhance the environment and resources would be given to promote good landscape; and
- (g) as regards PlanD’s claim that sufficient land had been reserved for Small Houses in the next ten years, PlanD had not given a plan showing where these areas were. The figure on available land was only pure mathematics on paper. Ownership was a main hurdle for Small House applications which had reduced over 50% of the Small House land supply. ‘Fung shui’ was another issue deterring Small House applications. For example, land in front of a ‘Chi Tong’ could not be used for Small House developments. Natural stream courses and hill slopes were also not suitable for Small House developments where huge sum of money could be involved in satisfying the relevant departmental requirements. Moreover, unauthorised occupation of private land was common in the New Territories. It was difficult to vacate any unauthorised occupation to make way for Small House developments.

104. With reference to Plan Z-4 of the Paper, the Vice-chairman asked whether there were active agricultural activities near the application site. He also asked PlanD to clarify whether the draft plan showing the proposed “V” zone displayed by the applicant had any statutory status. Mr Au Yick Ming responded that the draft plan was prepared by PlanD in 2012. It was shown to the Village Representative during a meeting with PlanD. On the plan, the application site was proposed to be included into the “V” zone. Ms Maggie Chin, DPO/FSYLE, responded that based on a recent site visit, there were active agricultural activities in the vicinity of the application site and the application site was part of the active agricultural land to the northeast of Tai Wo Tsuen. As regards the draft plan showing a proposed “V” zone boundary, she stated that PlanD conducted land use reviews at suitable time in response to local needs. PlanD had consulted the local villagers and the Village

Representative in 2012 on the “V” zone boundary and there were various options then. When determining the “V” zone boundary, due consideration would be given to various factors such as existing village cluster, local topography, settlement patterns, Small House demand and whether there was sufficient land within the “V” zone to meet such demand. There was about 14.46 ha of land (equivalent to about 578 Small House sites) after deducting areas of slopes and roads within the “V” zone of Cheung Po Tsuen and Tai Wo Tsuen to meet the Small House demand. According to DLO/YL, the outstanding SH and the 10-year Small House demand for Cheung Po Tsuen and Tai Wo Tsuen was 514 SH, i.e. about 12.85 ha of land. Therefore, there was sufficient land within the current “V” zone to meet the Small House demand.

105. A Member asked PlanD to clarify whether the application site would be included into the “V” zone if the oldest cluster of houses of the Choy Clan which was adjacent to the application site was included into the “V” zone. Ms Maggie Chin responded that the concerned houses were built long time ago and were ‘existing uses’. These houses were not included into the “V” zone. Even if these houses were included into the “V” zone, the application site would not necessarily be included into the “V” zone as there were active agricultural activities going on. Mr Au Yick Ming said that he did not agree that there was sufficient land within the “V” zone for Small House developments as much of the land within the “V” zone was not suitable for construction of Small Houses. In fact, many areas were illegally occupied by other people either for residential or planting purpose. The application was currently used for farming as the lot owner had kindly rented out the application site to other people for agricultural purpose but it should not pre-empt the lot owner to build Small Houses on the lot. The indigenous villagers had a legal right to build Small Houses at the application site. Such right should not be affected even if some other areas were available for Small House developments. The application site was very close to the houses of Choy Clan. There was no reason for not including the application site into the “V” zone if the houses of the Choy Clan were included.

106. Noting that there was still much land within the existing “V” zone to meet the Small House demand, a Member asked the applicant’s representative what information he had in hand to demonstrate that there was insufficient land within the “V” zone for justifying the proposed “V” zone extension. Mr Au Yick Ming responded that PlanD had not provided any information on which pieces of land within the “V” zone were available for

building Small Houses. If such information was available, he would conduct research to identify, within the “V” zone, land illegally occupied, land not suitable for Small House owing to ‘fung shui’ reason and land of which the land owner was not willing to build Small Houses. The same Member asked the applicant’s representative whether information on land not available for Small House within the “V” zone was included in the application. Mr Au responded that since PlanD had not provided the relevant information, he could not conduct such research. He reiterated that the application site was within the VE of Tai Wo Tsuen which was drawn up in 2007, 17 years after the publication of the IDPA Plan for the area. The same Member asked PlanD whether land within the VE would be allowed for the construction of Small Houses. Ms Maggie Chin replied that according to DLO/YL, the VE of Tai Wo Tsuen was drawn up in 2007. Before that, Small House applications were assessed based on the Small House policy, i.e. whether the site was within the 300 feet radius from the edge of the last village type house built before the introduction of the Small House Policy in 1972. The consideration of the designation of “V” zone and VE was different. While the boundary of “V” zone was determined taking account of various planning considerations, the boundary of VE was only drawn up by LandsD on the basis of the 300 feet radius. Although the application site was within VE, it was zoned “AGR” and intended for agricultural purpose under the OZP. Within the “AGR” zone, Small House developments could be allowed by submitting s.16 planning applications to the Board and each case would be considered by the Board on individual merits.

107. As the applicant’s representatives had no further points to raise and there were no further questions 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 hearing. They all left the meeting at this point.

Deliberation Session

108. Members noted that there was sufficient land available for Small House developments within the “V” zone of Tai Wo Tsuen to meet the Small House demand and the applicant had not demonstrated why land within the “V” zone was not available for such developments.

109. After deliberation, the Committee decided not to agree to 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 area proposed for rezoning from “Agriculture” (“AGR”) to “Village Type Development” (“V”) has good potential for rehabilitation for agriculture. The planning intention of the “AGR” zone appropriately reflects the current site conditions;
- (b) there is sufficient land available for Small House development within the “V” zone of Tai Wo Tsuen to meet the outstanding Small House applications and the 10-year forecast of the Small House demand. There is insufficient justification provided on why land within the “V” zone is not available for the Small House developments;
- (c) no technical information has been submitted to demonstrate that the Small House developments would not generate adverse environmental, ecological, traffic, landscape, drainage and sewerage impacts on the surrounding areas; and
- (d) approval of the application would set an undesirable precedent for other similar rezoning applications, and the cumulative impact would result in adverse impacts on the surrounding areas.”

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

Tuen Mun and Yuen Long West District

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

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/676 Temporary Open Storage of Containers Keeping Sundries for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lot 319 in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/676)

Presentation and Question Sessions

110. 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) temporary open storage of containers keeping sundries 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 located about 50m to the northwest and east, 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 containers keeping sundries 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, there had been no environmental complaint in the past 3 years. It was therefore not expected that the development on the site would generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours and the use of heavy goods vehicles, and carrying out of workshop activities were recommended.

111. In response to a Member's question, Ms Bonita K.K. Ho, STP/TMYLW, responded that in view of the narrow access road, no goods vehicles exceeding 24 tonnes would be allowed and a relevant approval condition was recommended. Mr K.C. Siu added that goods vehicles not exceeding 24 tonnes were smaller than container vehicles. Although the access road was long and narrow, goods vehicles not exceeding 24 tonnes was not anticipated to cause adverse traffic impact.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 5:30 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as

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

- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall 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 9.8.2014;
- (h) 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 9.8.2014;
- (i) in relation to (h) 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 9.11.2014;
- (j) the implementation of the accepted 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 9.8.2014;
- (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 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.”

113. 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 District Lands Officer/Yuen Long, Lands Department’s comments that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. It is noted that there are no fixed structures within the site. The site is accessible through an informal village track on Government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (f) to note the Commissioner for Transport's comments 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 Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments 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 Shan Ha 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 Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the site is used as a temporary storage yard with 10 numbers of planted trees and some self-seeding trees, *Leucaena leucocephala*, along the perimeter according to the site visit conducted by her unit on 19.4.2012. *Leucaena leucocephala* is considered as a weed species which is invasive that should be removed and replaced with other ornamental trees. There is room for further tree planting along the perimeter. All the existing and proposed trees on site should be clearly marked and differentiated on plan by using two different symbols in order to avoid confusion;
- (j) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the existing drainage facilities should be maintained in good condition and should not cause any adverse drainage impact to the adjacent areas;

- (k) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the water mains in the vicinity of the site cannot provide standard pedestal hydrant;

- (l) to note the Director of Fire Services' comments that the installation/maintenance/modification/repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall, after completion of the installation/maintenance/modification/repair work, issue to the person on whose instruction the work is undertaken a certificate (FS 251) and forward a copy of the certificate to his Department; and

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/677 Temporary Open Storage and Storage of Used Private Vehicles for a Period of 3 Years in “Undetermined” Zone, Lots 1544 (Part) and 1545 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/677)

Presentation and Question Sessions

114. 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) temporary open storage and storage of used private vehicles 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 located about 70 m to the south and in the vicinity, 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 and storage of used private vehicles 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, there had been no environmental complaint in the past 3 years. As proposed by the applicant, no heavy goods vehicle exceeding 24 tonnes, including container tractors/trailers, would be parked at/used for the operation of the site and no vehicle repairing or other workshop activities would be carried out within the site. As such, it was not expected that the development on the site would generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting the use of heavy goods vehicles (including container tractors/trailers) and the carrying out of vehicle repairing and other workshop activities, were recommended.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, 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, vehicle 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 heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to park/store on or enter/exit the site at any time during the planning approval period;

- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall 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 9.8.2014;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2014;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.2.2015;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.6.2014;
- (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 9.11.2014;
- (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 9.2.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without

further notice;

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

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

- “(a) the planning permission is given to the development/uses under application. It does not condone any other development/uses and structures which currently exist/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;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that private lots within the site are Old Schedule 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 container for storage, storage of used private vehicles and site office use. The owner(s)

concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through a long haul of an informal village track on Government land and other private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (f) to note the Commissioner for Transport's comments 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 Chief Highway Engineer/New Territories West, Highways Department's comments 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 Chief Town Planner/Urban Design and Landscape, Planning Department's comments that the locations, numbers and species of the existing trees as indicated on the submitted landscape and tree preservation proposals (Drawing A-2 of this RNTPC Paper) do not tally with the actual situation as observed during her site visit;

- (j) to note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains will be affected (Plan A-2 of this RNTPC Paper). The developers 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 within 1.5m from the centerline of the affected water mains shall be provided to his Department. No structure shall be erected over the waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across through or under it which the Water Authority may require or authorise. 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 proximity to the site. Besides, the water mains in the vicinity of the site cannot provide standard pedestal hydrant;

- (k) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of this RNTPC paper should be adhered to. Furthermore, 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 services requirements will be formulated upon receipt of formal submission of general building plans;

- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of the BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including 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 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(R)P) 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 (B(R)P) at the building plan submission stage; and
- (m) to note the Director of Electrical and Mechanical Services' comments 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 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.”

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

Agenda Item 38

Section 16 Application

[Open Meeting]

A/YL-TYST/678 Proposed Shop and Services in “Industrial” Zone, Lot 2024 in D.D.
121, 9 Ping Tong Street East, Yuen Long
(RNTPC Paper No. A/YL-TYST/678)

118. The Committee noted that the applicant requested on 23.4.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/453 Proposed Minor Relaxation of Plot Ratio Restriction for Permitted Residential Development in “Residential (Group B) 13” Zone, Government Land at Lok Chui Street, Area 59, Tuen Mun
(RNTPC Paper No. A/TM/453)

120. The Secretary reported that the application was submitted by the Lands Department (LandsD). Mr Tony H. Moyung who is the Assistant Director (Regional 3) of LandsD had declared an interest in this item. The Committee noted that Mr Moyung’s interest was direct and agreed that he should leave the meeting temporarily.

[Mr Tony H. Moyung left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed minor relaxation of plot ratio (PR) restriction for permitted residential development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) the District Officer (Tuen Mun) advised that residents of The Castle Bay

might have concerns on the increase of PR on the grounds of adverse visual, traffic and environmental impacts;

- (e) during the first three weeks of the statutory publication period, 62 public comments all objecting to the application were received. Out of the 62 comments, 41 were standard comments from residents of The Castle Bay; one comment was from the Owners' Committee of Kings Park Villa, one comment was from the chairman of the Owners' Committee of Villa de Mer, and 19 were from individuals including residents of The Castle Bay. The main grounds for objection included the following:
- (i) the issue on the provision of sewerage treatment facilities for housing development in the area had not been resolved;
 - (ii) the private road (portion of Lok Chui Street) was under the management and maintenance of The Castle Bay. Access to the proposed development would be via the private road and the maintenance cost would increase. There were opinions that the Government should take back the management and maintenance responsibility of the road;
 - (iii) there was no assessment on the nuisance to The Castle Bay during the construction period and its short and long-term impact on residents of The Castle Bay, as well as housing developments in the vicinity;
 - (iv) adverse impact on visual quality and blockage of view leading to a drop in the market value and incompatibility with the character of residential developments in the vicinity; and
 - (v) the residential development would lead to a loss in the only public open space in the area, which was currently enjoyed by the surrounding residents; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. Regarding the adverse public comments, the proposed increase in domestic PR would not result in any significant adverse visual impact on the adjacent area and the building height profile of the area could be maintained.

The proposed development with an additional GFA of 210m² (estimated additional 3 flats) would not generate significant adverse impacts on traffic, environment, drainage and sewerage. The requirement for sewerage impact assessment would be incorporated into the lease conditions. With regard to the concern on the maintenance of the private road providing access to the site, it should be noted that similar to other lots in the vicinity, the future purchaser of the Site would be granted with a non-exclusive right-of-way over portion of Lok Chui Street and would be responsible to maintain and repair it accordingly. As regards concerns on adverse impacts during the construction period, they were controlled under the Noise Control Ordinance and Air Pollution Control (Construction Dust) Regulations. Besides, the proposed development must also comply with all relevant legislation, the conditions of the Government lease concerned, and Government requirements, as might be applicable. The proposed developments would have no significant impacts on government, institution or community facilities, infrastructural provision and public open space. Concerned Government departments had no objection to or no adverse comment on the application.

122. Members had no question on the application.

Deliberation Session

123. In view of the schematic elongated design of the proposed houses, a Member pointed out that the compliance of the future development with the Building (Planning) Regulations in respect of the lighting requirements would need to be ascertained as light well design was not allowed by the Buildings Department nowadays. The Secretary responded that LandsD would ask the Architectural Services Department to test the feasibility of the proposed PR when in doubt prior to land sale. If the proposed PR was proved to be not feasible, LandsD might adopt a lower PR for the site at the land sale stage.

124. Another Member asked whether there were planning merits in justifying the proposed increase in PR in the application. The Secretary responded that to address the shortage of housing supply, it was the Government policy to increase the PR of housing sites

by 20% if infrastructure, traffic, visual and other planning considerations allowed, as stated in the Policy Address of 2014. The Board would need to take into account this Government Policy as the Chief Executive in Council (CE in C) was the fountain head of plan-making and all statutory plans prepared by the Board would be submitted to CE in C for approval. Increasing housing supply was considered as one of the planning merits.

125. 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 9.5.2018, 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 inclusion of landscaping requirement on the provision of compensatory tree planting and landscaping in the lease of the Site to the satisfaction of the Director of Planning or of the TPB;
- (b) the inclusion of a minimum 2m wide landscape buffer at the Site boundary along the beach in the lease of the Site to the satisfaction of the Director of Planning or of the TPB;
- (c) the inclusion of drainage impact assessment requirement in the lease of the Site to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the inclusion of sewerage impact assessment requirement in the lease of the Site to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (e) the inclusion of construction of seawall and marine structures requirement to prevent from wave action in the lease of the Site to the satisfaction of the Director of Civil Engineering and Development or of the TPB.”

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

- “(a) to note the Chief Engineer/Project Management, Drainage Services

Department's (DSD) comment that the developer shall be reminded of the following:

- (i) there will have an emergency overflow pipe connecting from DSD's proposed Lok Chui Street Sewage Pumping Station to the existing drainage culvert/channel, which is to the west of the Site; and
 - (ii) the Site may be affected by DSD's trenchless sewer construction works at Lok Chui Street planned to commence in late 2014 for completion in 2019;
- (b) to note the Director of Agriculture, Fisheries and Conservation's comment that construction of marine structures may be required as the Site is located on the backshore above the high tide mark. The future developer is advised to avoid/minimise disturbance to the marine environment due to the said structures."

[Mr Tony H. Moyung returned to join the meeting at this point.]

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/864 Proposed Expansion and Upgrading of San Wai Sewage Treatment Plant in "Government, Institution or Community" Zone, Lots 515 RP (Part), 521, 522, 523, 524, 525, 526, 1250, 1251 RP, 1252, 1253, 1254, 1255, 1256 (Part), 1257, 1258 RP, 1259, 1260, 1261 and 1262 RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/864A)

127. The Secretary reported that the application was submitted by the Drainage Services Department (DSD) with AECOM Asia Co. Ltd. (AECOM) as one of the consultants. The following Members had declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with DSD and AECOM
- Mr Ivan C.S. Fu - having current business dealings with AECOM
- Professor S.C. Wong - having current business dealings with AECOM, and being an employee of The University of Hong Kong which had received a donation from AECOM

128. The Committee noted that Ms Janice W.M. Lai had left the meeting already. Members noted that Mr Ivan C.S. Fu and Professor S.C. Wong had no direct involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

129. 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) proposed expansion and upgrading of San Wai Sewage Treatment Plant;
- (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) during the first three weeks of the statutory publication periods of the application and the further information, 5 public comments were received. One comment from the Chairman and Vice-chairmen of the Ha Tsuen Rural Committee considered that the users and owners of the land should be compensated and the proposed development should not adversely affect the environment of the nearby residents. 2 representatives of Tang Yiu Chung Tso strongly objected to the resumption of land required for the proposed development before the compensation had been agreed. A Yuen

Long District Council member objected to the application as compensation to the affected users and land owners had not been announced. 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. As regards the adverse public comments, compensation and land resumption matters were related to established procedures for land resumption for government projects. These issues would be dealt with under a separate mechanism should the proposed development proceed. In connection to the potential environmental impacts, the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation had no objection to the application as the environmental impacts of the proposed Sewage Treatment Plant had been satisfactorily assessed in an approved Environmental Impact Assessment (EIA) Report and the EIA Review Report.

130. Members had no question on the application.

Deliberation Session

131. 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 9.5.2018, 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 proposal on water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

- (c) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site and the nearby lots;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site involved a number of private lots in D.D. 125 which are all old scheduled agricultural lots held under Block Government Lease and adjoining Government land. Letter of Approval No. MT/LM 12245 is issued for erection of agricultural structure on Lot 526 in D.D. 125. Hence, land resumption and clearance are required to make the site available before his office can allocate it to the user department for the above project. If planning approval is given, the user department will need to apply to his office for a land allocation. He advises that land allocation application will only be considered upon receipt of the application to his office by the user department but there is no guarantee that the application for a land allocation will be approved. In the event of any such application be approved, it would be subject to such terms and conditions as may be imposed by LandsD. The southwestern portion of the site falls within the land resumption boundary for Deep Bay Link and Widening of Yuen Long Highways between Lam Tai and Shap Pat Heung Interchange (Section between Lam Tei and Tan Kwai Tsuen) vide G.N. 7897 dated 5.12.2002. The site falls within the project boundary of PWP Item No. 4223DS – Yuen Long and Kam Tin Sewage Treatment Upgrade - Upgrading of San Wai Sewage Treatment Works. On 30.8.2013, the project has been authorised vide G.N. 5126 under section 11 (2)(b) of Cap 370 as applied by section 26 of Water Pollution Control (Sewage) Regulation. According to Drawing No. 60041298/FIGURE 6 of the Planning Statement, an alternative access route to the site has been proposed. Unless a relevant Government department is identified and agrees to take up the construction and future maintenance of this alternative

access route, apart from the necessary procedures in connection with this road scheme, the user department should take up its construction and future maintenance responsibilities. The actual area of the site will be subject to verification in the land allocation stage if the land allocation is applied for by the user department to his office;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the 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 water main reserve within 1.5 m from the centreline of the water main shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water main and 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;
- (d) 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 Ha Tsuen Road;
- (e) to note the detailed comments of the Director of Fire Services that the detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The provision of emergency vehicular access should comply with the Code of Practice for Fire Safety in Building 2011 which is administrated by the Buildings Department; and

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006 has been superseded by Development Bureau Technical Circular (Works) (DEVB TWC) No. 10/2013. According to the DEVB TWC No. 10/2013, compensatory planting for the felled trees should include the dead trees and trees of undesirable species. Hence, the compensatory tree planting should be updated accordingly. Proposals which deviate from the above requirements should be supported with full justifications. With reference to “Technical Note on the Submission and Implementation of Landscape Proposals for Compliance with Conditions for Approved Application for Open Storage and Port Buck-up Uses under Section 16 of Town Planning Ordinance”, for site equal to or larger than 1 ha, double or multi-rows tree planting may be needed. The requirements of double or multi-row tree planting are applicable to this application. To enhance the greenery of the site, tree planting should be provided along the access roads connected to and within the site.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/897 Proposed Temporary Open Storage of Container with Ancillary Workshop, Warehouse with Ancillary Freight Forwarding Facility, Open Storage of Recyclable Material, and Ancillary Tyre Repair Workshop and Canteen for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 38 (Part), 53 (Part), 54, 55, 56 (Part), 57, 58 (Part), 59 (Part), 60 (Part), 61 (Part), 62, 63 (Part) and 67 (Part) in D.D. 128, Lots 2999 (Part), 3000 RP (Part), 3001 RP, 3003 RP, 3004 (Part), 3005, 3006, 3007, 3008 RP, 3009 RP, 3010 RP, 3011 RP (Part), 3012 RP, 3013, 3014, 3015, 3016 (Part), 3017 (Part), 3019 (Part), 3020 (Part), 3021 (Part), 3035 RP (Part), 3036 (Part), 3037, 3038 RP, 3039 (Part), 3040 RP (Part), 3041 RP, 3042 RP, 3043 (Part), 3044 (Part), 3045 RP, 3046 RP (Part), 3047 RP, 3050 RP (Part), 3051 (Part), 3053 (Part), 3055 (Part), 3056 S.A (Part), 3056 S.B (Part), 3058 (Part), 3062 (Part), 3063 (Part), 3064, 3065 (Part), 3067 (Part), 3068 (Part), 3069 (Part), 3070 (Part), 3071, 3072 (Part), 3073 S.A (Part), 3105 (Part), 3106 (Part), 3107, 3108 (Part), 3111 RP (Part), 3134 RP (Part) and 3135 (Part) in D.D. 129, and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/897)

Presentation and Question Sessions

133. 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) proposed temporary open storage of container with ancillary workshop, warehouse with ancillary freight forwarding facility, open storage of recyclable material, and ancillary tyre repair workshop and canteen 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 because there were sensitive uses in the vicinity of the site (the nearest dwelling was about 35m away) and along the access road (Lau Fau Shan Road), 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 from Designing Hong Kong Limited was received objecting to the application on the grounds that the proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone which was intended for residential use to satisfy public demand for housing. The approval of the application would limit the opportunity for putting the site for better use and would set an undesirable precedent for similar applications. Also, ample sites had already been approved to satisfy the current and future demand. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary open storage of container with ancillary workshop, warehouse with ancillary freight forwarding facility, open storage of recyclable material, and ancillary tyre repair workshop and canteen could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. DEP did not support the application because there were sensitive uses in the vicinity. Although one complaint on dust nuisance was received in 2013, the operator was advised to install more automatic water sprayer in the container depot to reduce accumulated dusty material to nearby resident and no further complaint had been received. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, the stacking height of containers/materials, and the types of activity on-site had been recommended. Regarding the

adverse public comments, there was not yet any programme/known intention to implement the zoned use on the Outline Zoning Plan. Therefore, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, 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. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no handling (including loading, unloading, storage and dismantling) of electrical/electronic appliances including cathode-ray tubes (CRT), CRT computer monitors/television, and CRT equipment, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at all times during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 7 units, as proposed by the applicant, at all times during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the

public road at any time during the planning approval period;

- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.8.2014;
- (i) 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 9.8.2014;
- (j) in relation to (i) 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 9.11.2014;
- (k) 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 9.8.2014;
- (l) in relation to (k) 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 9.11.2014;
- (m) 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 20.6.2014;
- (n) 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 9.8.2014;
- (o) in relation to (n) 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 9.11.2014;

- (p) the provision of fencing of the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2014;
- (q) 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;
- (r) if any of the above planning conditions (h), (i), (j), (k), (l), (m), (n), (o) or (p) 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
- (s) 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.”

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

- “(a) prior planning permission should have been obtained before continuing/commencing the development on the site;
- (b) shorter compliance period is granted in order to monitor the situation of the site and the fulfilment of approval conditions. Sympathetic consideration may not be given by the Committee to any application for extension of time for compliance with approval conditions, and any further planning application should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission;
- (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 (LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. Short Term Waiver (STW) No. 3073 is issued to allow the erection of structures on Lot 3065 in D.D. 129 for the purpose of maintenance workshop and office ancillary to vehicle park and open storage of containers. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 515m² subject to verification) included into the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Lau Fau Shan Road. He provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to LandsD to permit structures to be erected or regularise any irregularities on-site. The occupier would also need to apply to LandsD for Short Term Tenancy to regularise the unauthorised occupation of GL. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion. 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 Director of Environmental Protection 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 subject site. No vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (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 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 Chief Town Planner/Urban Design and Landscape, Planning Department that according to the site visit on 8.4.2014, it is noted that 5 dead trees and 8 missing trees were found within the site with reference to the site inspection on 28.1.2013. With reference to the submitted tree preservation and landscape proposal, the locations of the existing trees are different from those observed at the recent site visit. It is also noted that objects were stored close to the existing trees and weeds/climbers were over-grown, which may affect the health condition of the existing trees;
- (i) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs 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 V of the RNTPC Paper;

- (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 approved use under the captioned application. Before any new building works (including open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the 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. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. If the proposed use under application is subject to the issue of a license, please be reminded that any existing structures on the sites 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. In connection with the above, each 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
- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt good site practices and implement necessary measures to avoid causing disturbance to the nearby watercourse.”

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/261 Temporary Warehouse for Storage of Animal Feed for a Period of 3 Years in “Recreation” Zone, Lots 2075 (Part), 2076 (Part), 2082 (Part) and 2083 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/261)

Presentation and Question Sessions

137. 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) temporary warehouse for storage of animal feed for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 75m away) and along the access road (Deep Bay Road), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) advised that the proposed temporary warehouse was not compatible with the landscape character of the planned “Recreation” (“REC”) zone and would generate cumulative impacts to the landscape in the vicinity. In the long-run, it might jeopardise recreational development within the zone. Therefore, he had reservation on the application. 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 warehouse for storage of animal feed could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. Regarding DEP's comment of not supporting the application, there had not been any environmental complaint against the site over the past 3 years and the applied use was for warehouse, not for open storage. To mitigate any potential environmental impacts, approval conditions restricting the operation hours, workshop activities, the type of vehicles and the operation on site had been proposed. As regards CTP/UD&L, PlanD's reservation on the application, the site was not reserved for long-term development by the Leisure and Cultural Services Department which had no objection to the application and indicated that there was no present plan to resume the private lots for public open space development.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, 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 8:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, including container vehicle/trailer/tractor, and as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;

- (d) no packing, grinding, manufacturing and other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no open storage of materials is allowed on the site at any time during the planning approval period;
- (f) no vehicle over 10m long is allowed to enter, park or operate at the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.8.2014;
- (j) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.8.2014;
- (k) in relation to (j) above, the implementation of the tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2014;
- (l) 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 9.8.2014;
- (m) in relation to (l) 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 9.11.2014;

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

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

- “(a) prior planning permission should have been obtained before commencing the development on site;
- (b) shorter compliance period is granted in order to monitor the situation of the site and the fulfilment of approval conditions. Sympathetic consideration may not be given by the Committee to any application for extension of time for compliance with approval conditions, and any further planning application should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to resolve any land issues relating to the development with the concerned owner(s) of the application site;

- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under application comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the specified 7m structure as existing on site. Three Short Term Waivers (STWs) Nos. 2470, 3692 and 3694 were granted on Lots Nos. 2082, 2075 & 2083 and 2076 in D.D. 129 for the purpose of warehouse for storage of animal feed permitting Build Over Area not exceeding 836.38 m², 665 m² and 36 m² with height not exceeding 6.1 m, 5 m and 5 m respectively. The site is accessible to Deep Bay Road via other private land and Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the application, the lot owners would need to apply to his office for the modification of the above mentioned STWs' terms and conditions to regularise the irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application would be approved. If such application(s) is approved, it would be subject to such terms and conditions, including among others, the payment of premium or fees, as may be imposed by LandsD;
- (f) 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;
- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (h) to note the comment of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water from running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the application site and Deep Bay Road;

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt good site practices and implement necessary measures to avoid affecting the watercourse running towards the “Coastal Protection Area” zone and Deep Bay;

- (j) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installation (FSI) 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 are to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI 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;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the application site and BD is not in a position to offer comments on their suitability for the use related to the application; if the existing structures are erected on leased land without approval of 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 warehouse as temporary buildings) are to be carried out on the application site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the 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 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; and 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;

- (l) 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 any sub-main within the private lots to WSD's standards; 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/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 application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary; prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and the "Code of

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

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/454 Proposed Minor Relaxation of Maximum Domestic Plot Ratio for Permitted Residential Development in “Residential (Group A) 1” Zone, Government Land at Yan Ching Street, Area 10, Tuen Mun
(RNTPC Paper No. A/TM/454)

141. The Secretary reported that the application was submitted by Lands Department (LandsD). Mr Tony H. Moyung who is the Assistant Director (Regional 3) of LandsD had declared an interest in this item. The Committee noted that Mr Moyung’s interest was direct and agreed that he should leave the meeting temporarily.

[Mr Tony H. Moyung left the meeting temporarily at this point.]

Presentation and Question Sessions

142. 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) proposed minor relaxation of maximum domestic plot ratio (PR) for permitted residential development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned Government departments had no

objection to or no adverse comment on the application;

- (d) the District Officer (Tuen Mun) advised that he noted that the locals had raised concerns on/objections to the planning application. He had received a letter from a member of the Tuen Mun District Council (TMDC) enquiring the development programme and the building height (BH) of the proposed development. The TMDC member also requested that a replacement site be identified at suitable location for public car park use to solve the traffic and parking problems in the area. The same letter was also addressed to the Secretary of Development and the Director of Planning;
- (e) during the first three weeks of the statutory publication period, 48 public comments were received. Mass Transit Railway Corporation Limited (MTRCL) raised concerns on the railway operation noise to the future residents and requested that all noise mitigation measures identified in the noise impact assessment (NIA) be implemented by the future developer to ensure no significant noise problems would affect the future residents. MTRCL also requested for a copy of the NIA for the site upon its completion. The remaining 47 comments were from the Incorporated Owners and residents of the adjacent Man Shing Building, nearby residents and private individuals. They objected to the application on grounds of the potential adverse impacts on visual, air ventilation, natural lighting, pedestrian and traffic flow to the surrounding area; insufficient provision of public car parking spaces; the area was already too densely built and populated; the site was too small and not suitable for residential use; and the site should be used for open space development; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. As regards railway operation noise raised by MTRCL, the present Light Rail Transit (LRT) track was about 30m away from the site boundary which was more than the recommended buffer distance of 25m under the Hong Kong Planning Standards and Guidelines (HKPSG). The Director

of Environmental Protection advised that significant LRT noise impact was not anticipated. Moreover, there would be a NIA under the land lease to identify necessary mitigation measures. MTRCL's request for a copy of the NIA under the land lease would be dealt with separately by the Lands Department. Regarding the other public comments, with the proposed increase in domestic PR, the BH of the proposed development would not exceed the BH restriction on the Outline Zoning Plan (OZP) and would have no significant effect on the BH profile in the area. Building setbacks were proposed to enhance the visual quality and air ventilation. The necessary requirements under the Buildings Ordinance and Sustainable Building Design Guidelines including building separation, building setback and greenery coverage would be applicable to the future development. With respect to lighting aspect, in the submission of building plans to the Building Authority, the developer would need to demonstrate adequate provision of the natural lighting to the new development and no adverse impact on the natural lighting provisions to adjacent existing buildings according to the Building (Planning) Regulations. The proposed development would affect 46 parking spaces of an existing temporary public car park. According to the Commissioner for Transport (C for T), there was ample supply of public car parking spaces in the vicinity of the site, including Tat Yan Square, Yan Oi Tong Street, Tsing Yin Street, Tuen Mun Town Plaza and Century Gateway, and he considered the impact on parking facilities acceptable. The future developer was also required to provide sufficient parking and loading/unloading facilities within the site for the proposed development in accordance with HKPSG under the lease. Besides, C for T considered that the proposed relaxation of maximum domestic PR would not lead to a significant impact on the adjacent pedestrian facilities and road networks. He would keep monitoring the traffic conditions of Yan Ching Street and considered providing appropriate facilities if necessary. The proposed increase in domestic PR bringing about 21 additional flats would have no significant impacts on government, institution or community facilities, infrastructural provision and public open space. Concerned Government departments had no objection to or no adverse comment on the application.

143. Members had no question on the application.

Deliberation

144. With reference to the public comments submitted by the residents of Man Shing Building, a Member considered that the future development might be designed in such a way that it had to face Man Shing Building due to setback requirement from Tuen Mun Road. The residents of Man Shing Building would hence face a tower with a BH of 92mPD which was almost double that of their building at about 53mPD. The proposed development would only be about 14m away from Man Shing Building. Although it was the Government policy to increase housing flat supply, this Member had reservation on the current application as the site was too small and the increase in PR might have some adverse impact on the surrounding residents.

145. Another Member asked whether the proposed development at the application site would become the tallest building amongst the cluster of buildings to the north of Pui To Road. Mr K.C. Kan responded that the buildings to the north and west of the application site were mostly built 30 to 40 years ago and they were lower in BH than the proposed development.

146. The Vice-chairman asked about the BH of the development at the application site if the PR had not increased. Mr K.C. Kan, STP/TMYLW, replied that under the current OZP, the BH restriction for the "R(A)1" zone was 100mPD. The proposed scheme with an increase in PR in the application was an indicative scheme with a BH of 92mPD which was within the BH restriction. Even if the PR was not increased, the future development at the application site could still be built up to 100mPD. Therefore, there was no significant relationship between the proposed increase in PR and the BH of the future development.

147. The Member who had raised concern on the proposed PR increase said that although the proposed development was within the BH restriction of 100mPD, the increase in PR would lead to an increase in building bulk which might have adverse impact. The Secretary responded that the application site was zoned "R(A)1" and intended for residential development. In considering the current application for a 20% relaxation of the domestic

PR, Members would need to consider whether such an increase was so substantial that it would result in a development not compatible with the surrounding buildings upon redevelopment. Members generally did not object to the application but noted the concern of some public commenters, which should be considered and deliberated at the meeting.

148. A Member opined that the proposed 20% increase in domestic PR was acceptable as it would only slightly increase the building footprint of each floor. Another Member shared the view that the 20% increase in PR would not cause significant impact to the surrounding area and a balance had to be struck between increasing the housing supply and the impact caused.

149. A Member who had expressed concern on the BH of the proposed development also agreed to the need of increasing housing supply. However, when considering the site-specific details, this Member still had reservation on the application as the site was small and it was located at the periphery of the “R(A)1” zone. This Member said that relaxing the PR of the sites further away from the major road might be more suitable instead, which could achieve a stepped height profile towards the major road upon redevelopment. The Vice-chairman considered that the shortage of housing supply was an imminent problem while there was no programme for the redevelopment of other sites in the area. Another Member considered that the concept of stepped BH towards major road was a concept worth exploring but it might not necessarily be applicable to the subject location.

150. After further 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 9.5.2018, 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 inclusion of the tree preservation and landscaping requirements in the lease of the Site to the satisfaction of the Director of Planning or of the TPB;
- (b) the inclusion of the noise impact assessment, noise mitigation measures and air buffer distance requirements in the lease of the Site to the satisfaction of

the Director of Environmental Protection or of the TPB;

- (c) the inclusion of the re-design and re-construction of the drainage system for Kai Fat Path and the area to the north of the existing car park requirements in the lease of the Site to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the inclusion of a 2m-wide clearance area from highway structures on Pui To Road in the lease of the Site to the satisfaction of the Director of Highways or of the TPB; and
- (e) the inclusion of the Sustainable Building Design Guidelines requirements on building separation, building setback and site coverage of greenery in the lease of the Site to the satisfaction of the Director of Buildings or of the TPB.”

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

- “(a) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that if tree felling is involved, the developer should be required to submit tree survey, tree removal proposal, tree preservation/protection measures and compensatory planting proposal under the land lease; and
- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department’s comments that 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. The Sustainable Building Design Guidelines set out in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 may only be implemented

in the building plan approval stage under the Buildings Ordinance when the proposed building development applies for gross floor area (GFA) concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculation).”

[Mr Tony H. Moyung returned to join the meeting at this point.]

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/280 Proposed Public Utility Installation (Sewage Pumping Station) and Excavation and Filling of Land in “Green Belt” Zone, Government Land at Fu Hang Road and to the southwest of southern entrance of pedestrian subway of Yuen Long Highway, Tuen Mun (Government Land Licence Y9909 (Part) in D.D. 130 and Adjoining Government Land)
(RNTPC Paper No. A/TM-LTY Y/280)

152. The Secretary reported that the application was submitted by the Drainage Services Department (DSD) with AECOM Asia Co. Ltd. (AECOM) as one of the consultants. The following Members had declared interests in this item:

Ms Janice W.M. Lai	-	having current business dealings with DSD and AECOM
Mr Ivan C.S. Fu	-	having current business dealings with AECOM
Professor S.C. Wong	-	having current business dealings with AECOM and being an employee of The University of Hong Kong which had received a donation from AECOM

153. The Committee noted that Ms Janice W.M. Lai had left the meeting already. For Mr Ivan C.S. Fu and Professor S.C. Wong, Members noted that they had no direct involvement in the application and agreed that they could stay in the meeting.

154. The Committee noted that a replacement page (page 14) of the Paper rectifying the names of villages in para. 12.3 of the Paper was tabled at the meeting.

Presentation and Question Sessions

155. 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) proposed public utility installation (sewage pumping station) and excavation and filling of land;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) commented that the boundary wall on the southern side of the proposed pumping station was of V-shaped and the control kiosk and features in the pumping station were noticeable from Fu Tai Estate to the south. The applicant should review whether a natural colour theme would be more appropriate than the proposed green boundary wall. He also had reservation on the width and depth of the planting strip proposed by the applicant. The Planning Department's Landscape Unit should be consulted on whether greening along those planting strips could sustain and be properly maintained. 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 (Tuen Mun); 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 CA/CMD2, ArchSD's comments on the design of the fence wall, the applicant had responded that as relevant Government departments had no strong views on the 2.1 m high fence wall with soft landscaping, the applicant could unify the boundary wall design on all sides to arrive at the same screening effect to the building/structures within the proposed sewage pumping station. Regarding the landscaping aspect, the Chief Town Planner/Urban Design and Landscape, PlanD had considered the proposed landscape works. He had no objection to the application, and recommended imposing an approval condition on the submission and implementation of landscape proposal if the application was approved. The detailed design of the fence wall could be further considered at the implementation stage and the concerns of the CA/CMD2, ArchSD could be addressed by imposing approval condition. In this regard, approval conditions on the submission and implementation of landscape proposal as well as design and provision of visual mitigation measures were recommended.

156. Members had no question on the application.

Deliberation Session

157. A Member suggested to add an advisory clause requesting the applicant to explore growing fragrant plants around the pumping station to enhance the environment. Members agreed.

158. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 9.5.2018, 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 provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the design and provision of visual mitigation measures to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to explore using fragrant plants for screen planting to enhance the environment;
- (b) to note the District Lands Officer/Tuen Mun, Lands Department’s comments that the major portion of the site has been temporarily allocated to the Chief Engineer/Consultant Management, Water Supplies Department (CE/CM, WSD) under GLA-TTM SLA 912 for the period from 9.9.2011 to 25.4.2015 for works site purpose in connection with the project “Replacement and Rehabilitation of Water Mains Stage 4, Phase 1”. The CE/CM, WSD should be consulted. A portion of the site is held under GLA-TTM SLA 893 which has been temporarily allocated to the Highways Department for improvement works to local access road for Deep Bay Link – Northern Section – Tuen Mun and Deep Bay Link – Southern Section until 30.6.2014. The Chief Engineer 2/Maintenance Work, Major Works Project Management Office, Highways Department should be consulted. Part of the site was held under Government Land Licence No. Y9909 in which the land was resumed and cleared for the “Deep Bay Link” Project. To facilitate the construction of the proposed sewage pumping station upon obtaining the necessary planning permission, the applicant would need to apply to his Office for allocation of the concerned site for implementation;
- (c) to note the Chief Highway Engineer/New Territories West, Highways Department’s comments that the applicant should be responsible for the applicant’s own access arrangement;

- (d) to note the Chief Engineer 2/Major Works, Major Works Project Management Office, Highways Department's comments that the applicant should clarify the "+" hatched indicated in the Architectural and Landscape Design Report of 15.4.2013 as the area overlaps with the section of Fu Hang Road under his improvement works;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's comments that 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 within 1.5 metres from the centerline of the water mains shall be provided to his Department. No structure shall be erected over this Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorisation from the Water Authority. The WSD 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 proximity to the site;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from relevant licensing authority. Furthermore, the emergency vehicular access provision within the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Building (Planning) Regulation 41D which is administered by the Buildings Department;
- (g) to note the Chief Architect/Central Management Division 2, Architectural Services Department's comments that from 'View 1' of the submission of 30.4.1014, the boundary wall is simplified and consists of flattened panels with climbers. The building/features in the pumping station are not noticeable with the boundary wall. However, the boundary wall in 'View 2'

of the same submission is of V-shaped and the control kiosk and features in the pumping station are noticeable from the Fu Tai Estate to the south. For the materials and finishes of the panels used for the boundary wall, if power-coated Galvanized mild steel (GMS) perforated panels are used, such panels may be subject to rusty problem. It may have maintenance problem and the rusty panels may affect the building appearance and its visual impact on the surroundings. The applicant may wish to review whether a natural colour theme will be more appropriate than the proposed green boundary wall. It is noted in the submission of 25.4.2014 that the applicant will review the design of elevations and colour theme and ensure that such designs will be acceptable by his Department's Design Advisory Panel (DAP). He advises that that DAP's comments are on advisory basis and the final decision on whether to adopt DAP's comments rests with the works department in accordance with ETWB TC(W) No. 8/2005; and

- (h) to note the Director of Electrical and Mechanical Services' comments that based on the information provided, there are 400kV extra high voltage overhead lines running along the southern side of the site. Due consideration shall be given to the requirements of the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (i.e. a 50m working corridor shall be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). 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 cables 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. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity. There is a high pressure town gas pipeline running along Yuen Long Highway. As such,

the project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department's Code of Practice on Avoiding Danger from Gas Pipes.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/444 Proposed Temporary Logistics Centre and Ancillary Parking of Vehicle for a Period of 3 Years in "Comprehensive Development Area" Zone, Lots 105 RP (Part), 111 (Part), 112, 113, 114 (Part), 115 (Part) and 116 (Part) in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/444)

Presentation and Question Sessions

160. 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) proposed temporary logistics centre and ancillary parking of vehicles 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 residential dwellings within 100 m of the application site and within 50 m of the access road to

and from the site. Environmental nuisance would be expected from the heavy vehicles used by 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 period, one public comment was received. The commenter objected to the application mainly on the grounds that the proposed development was not in line with the planning intention and might affect the land supply for housing. Subsequent renewal of permission made change of land use difficult. Approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary logistics centre and ancillary parking of vehicles could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. As regards DEP's comment of not supporting the application, no environmental complaint had been recorded from 2011 to February 2014. Planning permissions for parking of container vehicles/trailers and lorries at the site had been granted by the Committee since 1998. No objection from local villagers/residents was received during the statutory publication period of the current application. Approval of the application for temporary logistic centre and ancillary parking of vehicles could be considered subject to imposing appropriate conditions to mitigate the potential environmental nuisance. To address the concerns of DEP, approval conditions on operation hours/dates and prohibition of workshop activities were recommended. For the adverse public comments, the development was not in line with the planning intention of the "Comprehensive Development Area" ("CDA") zone. However, there was no permanent development proposal covering the site for the time being. Approval of the application on a temporary basis would not jeopardise the long-term planning intention of the "CDA" zone. There was no similar application for temporary logistic centre within the same "CDA" zone but there were approved temporary container vehicle

and lorry parks to the west of the site within the same “CDA” zone.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 9.5.2017, 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. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle washing, vehicle repairing, 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) no vehicle queuing back to public road or vehicle reversing onto/from public road is allowed at any time during the planning approval period;
- (f) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (g) the submission of condition 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 9.8.2014;

- (h) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2014;
- (i) in relation to (h) above, the implementation of landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.2.2015;
- (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 9.11.2014;
- (k) in relation to (j) 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 9.2.2015;
- (l) the provision of boundary fencing within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 9.11.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) the planning permission is given to the development/use and structures under application. It does not condone any development/use and structure which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such developments/uses and to remove such structures not covered by the permission;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease which no structures are allowed to be erected without the prior approval from his office. No approval is given for the specified warehouse for logistic use, site office and toilet within the site. The site is accessible through an informal village track on Government land and other private land extended from Ha Mei San Tsuen Road. His office does not provide maintenance works for such track nor guarantee right-of-way. Lot 105 RP, 114, 115 and 116 in D.D. 122 are within the West Rail Protection Boundary. The lot owner concerned will 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;
- (d) 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 the potential environmental impact on the surrounding area;

- (e) to note the Commissioner for Transport's comments that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from the public road. The local track leading to the site is not under Transport Department's (TD) purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed access arrangement of the site from Ha Mei San Tsuen Road should be commented and approved by TD. 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 Ha Mei San Tsuen Road;
- (g) to note the Chief Highway Engineer/Railway Development 1-3, Railway Development Office, HyD's comments that as the site falls within the administration route protection boundary of the West Rail, the applicant should consult the Mass Transit Railway Corporation Limited (MTRCL) on full details of the proposal and comply with the MTRCL's requirements with respect to the operation, maintenance and safety of the West Rail;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 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 planning application. Before any new building works (including site office, warehouse and toilet 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 coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as 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 Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSI 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/are 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 Chief Engineer/Development (2), Water Supplies Department's comments that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and

- (k) to note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the applicant is reminded to submit the works to the BD for approval as required under the provisions of the BO."

[The Vice-chairman thanked Mr K.C. Kan, STP/TMYLW, for his attendance to answer Members' enquires. Mr Kan left the meeting at this point.]

Agenda Item 46

Section 16 Application

[Open Meeting]

A/YL-PS/445 Proposed Commercial Development including 'Shop and Services', 'Eating Place', 'Place of Entertainment' and 'Office' Uses in "Undetermined" Zone, Lot 636 S.B ss.5 in D.D. 124 and Adjoining Government Land, Kiu Tau Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/445)

164. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Environ Hong Kong Ltd. (Environ) and MVA Hong Kong Ltd. (MVA) as consultants. The following Members had declared interests in this item:

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

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

165. Members noted that Ms Janice W.M. Lai had left the meeting already. As the applicant had requested for deferment of consideration of the application, Members agreed that Mr Ivan C.S. Fu could stay in the meeting but should refrain from participating in the discussion.

166. The Committee noted that the applicant requested on 25.4.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments.

167. 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 47

Any Other Business

168. There being no other business, the meeting was closed at 5:45 p.m..