

TOWN PLANNING BOARD

Minutes of 513th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.6.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

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

Principal Environmental Protection Officer (Strategic Assessment)1,
Environmental Protection Department
Mr Victor W.T. Yeung

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

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Dr C.P. Lau

Dr W.K. Yau

Mr F.C. Chan

Professor K.C. Chau

In Attendance

Assistant Director of Planning/Board
Miss Fiona S.Y. Lung

Chief Town Planner/Town Planning Board
Mr Louis K.H. Kau

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

Agenda Item 1

Confirmation of the Draft Minutes of the 512th RNTPC Meeting held on 13.6.2014

[Open Meeting]

1. The Secretary said that Ms Anita K.F. Lam, Assistant Director/Regional 3, Lands Department, had proposed amendments to paragraph 22 of the draft minutes, which were tabled at the meeting and highlighted as follows:

“22. The Chairman said that while two Members considered that the application had some merits, the Committee in general did not find any overriding justifications to support the application. It should be noted that as the track served as an existing access for the houses to the north of the subject “V” zone, the Government would preserve the track as far as possible. ~~LandsD would make sure that the track would be preserved during the processing of Small House applications.~~ *LandsD would avoid the track during the processing of Small House applications.*”

2. The Committee agreed that the draft minutes of the 512th RNTPC meeting held on 13.6.2014 were confirmed subject to the above amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

3. The Chairman reported that as agreed in the 1061st Town Planning Board (TPB) meeting held on 20.6.2014, Members would not be provided with a hard copy of the minutes confirmed in the last meeting (except the confidential part), which would be available for viewing on the TPB website. The Committee agreed to adopt the same practice which would be effective from the next meeting held on 11.7.2014.

4. The Secretary reported that there were no other matters arising.

[Mr H.F. Leung and Ms Janice W.M. Lai arrived to join the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/I-SKC/1 Application for Amendment to the Approved Wo Keng Shan Outline Zoning Plan No. S/NE-WKS/10, Approved Tseung Kwan O Outline Zoning Plan No. S/TKO/20, Approved North-East Lantau Outline Zoning Plan No. S/I-NEL/12 and Approved Shek Kwu Chau Outline Zoning Plan No. S/I-SKC/2.

Site 1: To rezone the application site from “Other Specified Uses” annotated “Landfill” to “Other Specified Uses” annotated “Landfill/Integrated Waste Management Facilities”, NENT Landfill, Lot Nos. 1651, 1652 R.P., 1653, 1654 R.P., 1696, 1699, 1700, 1701, 1702 , 1703 in D.D. 79 and Adjoining Government Land, Ta Kwu Ling;

Site 2: To rezone the application site from “Other Specified Uses” annotated “Deep Waterfront Industry” to “Other Specified Uses” annotated “Integrated Waste Management Facilities”, Government Land in Area 137, Tseung Kwan O;

Site 3: To rezone the application site from “Government, Institution or Community”, “Other Specified Uses” annotated “Amenity Area”, “Undetermined”, “Green Belt” and area shown as ‘Road’ to “Other Specified Uses” annotated “Integrated Waste Management Facilities” and “Green Belt(1)”, Government Land in Pa Tau Kwu, Northeast Lantau;

Site 4: West New Territories Landfill in Tuen Mun (not forming part of the application); and

Site 5: To rezone the application site from “Other Specified Uses” annotated “Integrated Waste Management Facilities”, “Other Specified Uses” annotated “Breakwater” and water shown as ‘Vessel Anchorage’ and ‘Sea Channel’ to “Other Specified Uses” annotated “Marine Park”, Water off Southwest of Shek Kwu Chau

(RNTPC Paper No. Y/I-SKC/1A)

5. The Secretary reported that the application was submitted by Integrated Waste Management Action Group (IWMAG) with Masterplan Limited and ICF GHK as consultants. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Masterplan Limited. As Mr Fu had no involvement in the application, the Committee agreed that he could stay in the meeting.

6. The Committee noted that a written statement, submitted by Dr Merrin Pearse who was a member of IWMAG and unable to attend the meeting, was tabled at the meeting.

Presentation and Question Sessions

7. Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mr C.K. Soh, District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), Mr C.C. Lau, Senior Town Planner/Tuen Mun & Yuen Long West (STP/TM&YLW), Ms Donna Y.P. Tam, Senior Town Planner/Sai Kung and Islands (STP/SKIs) and Mr T.K. Cheng, Principal Environmental Protection Officer/Strategic Facilities Development and Planning Group, Environmental Protection Department (PEPO/SFG, EPD), and Mr Ian Brownlee and Ms Anna Wong, the applicant's representatives, were invited to the meeting at this point.

8. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Ms Donna Y.P. Tam, STP/SKIs, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Ms Tam presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) the applicant proposed to rezone four sites at the North East New Territories (NENT) Landfill, Ta Kwu Ling (Site 1), Area 137 in Tsung Kwan O (TKO) (Site 2), Pa Tau Kwu in North-east Lantau (Site 3) and the West New Territories (WENT) Landfill in Tuen Mun (Site 4) for Integrated Waste Management Facilities (IWMFs). In addition, the water off the south-west of Shek Kwu Chau (SKC) (Site 5) was proposed for marine

park use. However, as Site 4 was not covered by an Outline Zoning Plan (OZP), the proposed rezoning at Site 4 did not form part of the application;

- (b) the proposed IWMFs aimed to reduce waste to about 20% residues before reaching landfills through sorting of waste, recycling and composting, and heat treatment or land filling would only be the last resort. As such, a mega incinerator at Shek Kwu Chau (SKC) would no longer be required.

The Application Sites and Proposed Amendments

Site 1 (NENT Landfill):

- (c) the site (about 154.52ha) was zoned “Other Specified Uses” (“OU”) annotated “Landfill” on the approved Wo Keng Shan OZP No. S/NE-WKS/10;
- (d) the applicant proposed to rezone the site to “OU” annotated “Landfill/IWMFs” (“OU(Landfill/IWMFs)”) to broaden the uses allowed to include IWMFs with two mechanical sorting plants with a total handling capacity of 1,400 tonnes per day (tpd), a recycling plant, a composting plant and a waste-to-energy plant (600 tpd);
- (e) the applicant also proposed a set of Notes of the “OU(Landfill/IWMFs)” zone to include “IWMFs” as a column 1 use. The planning intention of the zone was for development of a landfill, IWMFs and ancillary facilities. In the remarks of the proposed Notes, a maximum building height of up to 150 mPD was proposed to allow the chimney of the IWMFs;

Site 2 (Area 137, TKO):

- (f) the site (about 8.3ha) was zoned “OU” annotated “Deep Waterfront Industry” (“OU(Deep Waterfront Industry)”) on the approved Tseung Kwan O OZP No. S/TKO/20 intended for special industries requiring marine access. It was currently used as a temporarily fill bank;

- (g) the applicant proposed to rezone the site to “OU” annotated “IWMFs” (“OU(IWMFs)”) to include two mechanical sorting plants with a total handling capacity of 1,400 tpd, a recycling plant and a composting plant. As no incineration facilities were proposed at this site, any residues would be sent to Site 4 (WENT Landfill) for waste-to-energy treatment;
- (h) the applicant also proposed a set of Notes of the “OU(IWMFs)” zone to include “IWMFs” as a column 2 use. The development of IWMFs at the zone should first seek permission of the Town Planning Board (the Board);

Site 3 (North-east Lantau):

- (i) the site (about 9.81ha) was located to the north-east of the Hong Kong Disneyland (HKDL) and was zoned “Government, Institution or Community” (“G/IC”), “OU” annotated “Amenity Area”, “Undetermined”, “Green Belt” (“GB”) and an area shown as ‘Road’. The planning intention of the area was mainly for a major tourism purpose;
- (j) the applicant proposed to rezone the site to “OU(IWMFs)” and “ “GB(1)” to include two to three waste sorting machines with a total handling capacity of 1,400 tpd to 2,100 tpd, a recycling plant and a composting plant. As no incineration facilities were proposed at this site, any residues would be sent to Site 4 (WENT Landfill) for waste-to-energy treatment. A visitor/education centre was also proposed at this site. The proposed IWMFs would be partly in the man-made cavern within the part of the site proposed to be rezoned to “GB(1)”;
- (k) the applicant also proposed a set of Notes of the “OU(IWMFs)” zone to include “IWMFs” as a column 2 use, and the “Underground IWMFs” would be a use always permitted under the “GB(1)” zone;

Site 5 (SKC):

- (l) the site (about 31.1ha) was zoned “OU(IWMFs)”, “OU” annotated “Breakwater” and water shown as “Vessel Anchorage” and “Sea Channel” on the approved SKC OZP No. S/I-SKC/2 which was intended for IWMFs (Phase I) on an artificial island off SKC;
- (m) the applicant proposed to rezone the site to “OU” annotated “Marine Park” (“OU(Marine Park)”) for protection of its high ecological value, including habitat for Finless Porpoises, Chinese White Dolphins, corals and breeding ground of White-bellied Sea Eagles;
- (n) the applicant also proposed a set of Notes of the “OU(Marine Park)” zone with the planning intention to protect and conserve the marine environment and rich collection of aquatic and plants.

Departmental Comments

- (o) the departmental comments were detailed in paragraph 7 of the Paper and highlighted as follows:
 - (i) PEPO/SFG, EPD objected to the application mainly on grounds that the IWMFs at SKC was one of the strategic backbone waste management infrastructures. The proposed IWMFs at SKC had undergone careful and detailed planning, site selection process, environmental impact assessment (EIA) and statutory procedures. The EIA concluded that the proposed IWMFs at SKC would have no impact on the ecology of SKC and mitigation measures would be proposed for the Marine Park between SKC and Soko Islands. Regarding the proposed IWMFs at Site 1, he commented that the proposed development might affect the operation of the existing landfill and its extension, the site had been considered in the site selection exercise of the proposed IWMFs and there would be technical problems including the problem of landfill gas. Regarding the proposed IWMFs at Sites 2 and 3, he commented that the two sites might not be large enough to accommodate the

proposed facilities and there might be environmental problems arising from the transportation of the residues from the two sites to Site 4 for disposal;

- (ii) the Environmental Assessment Division of EPD commented that the environmental acceptability for the two potential IWMFs sites at the Tsang Tsui Ash Lagoons and SKC had been established in the EIA and the proposed regional IWMFs were 'Designated Projects' and their acceptability had to be established through the statutory EIA process. There was no information on the potential environmental impacts of the proposed rezoning;
- (iii) the Commissioner for Transport did not support the application and commented that a Traffic Impact Assessment (TIA) should be conducted for each of the proposed sites and the scope of the TIA should be agreed by the Transport Department;
- (iv) the Director of Marine had expressed concerns on the proposals from the marine traffic perspective. The proposed IWMFs at Site 3 were close to the existing anchorages and the potential marine impacts at construction and operational stages of the proposed site should be assessed in detail. The proposed marine park at Site 5 was very close to the recommended Traffic Separation Schemes to the south and north of SKC which were frequently used by high speed ferries plying between Hong Kong and Macau/Mainland ports;
- (v) the Director of Agriculture, Fisheries and Conservation did not support the proposed IWMFs at Site 3 as the area was a recognized habitat of White-bellied Sea Eagles. Although Site 5 had a high ecological value, he considered that assessment had to be made against established principles and criteria before designating it as a marine park;

- (vi) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application on the whole and objected to the proposal at Site 3 in particular. He commented that the proposal was too conceptual. The applicant had not provided any development parameters such as building footprint and actual building height for detailed assessment. There were no details such as visual impact assessment, conceptual landscape master plan, tree survey, tree preservation proposals, and greening proposals to demonstrate the feasibility of the proposal and its compatibility with the surrounding environment;
- (vii) the Director of Drainage Services commented that the proposal was not supported by Drainage and Sewerage Impact Assessments. Should it be approved, a drainage proposal for the sites to ensure that it would not cause adverse drainage impact on the adjacent area should be submitted to his satisfaction;
- (viii) the Chief Engineer/Fill Management, Civil Engineering and Development Department (CEDD) objected to the application. For Site 2, it was within the TKO Area 137 Fill Bank currently operated by CEDD. It was an essential facility to ensure proper management of construction wastes in Hong Kong. At this stage, there was no scope for the land to be released for other purposes;
- (ix) the Commissioner for Innovation and Technology commented that the proposed IWMFs at Site 2 and associated increase in traffic of refuse trucks might have adverse air quality and odour impacts. It might affect the operations of the high-technology industries in the area which were environmentally sensitive; and
- (x) the Commissioner for Tourism commented that the proposed IWMFs at Site 3, which was in the vicinity of the Phase 1 site of HKDL, might bring negative impact on the guests' experience at the existing theme park. Site 3 was also immediately adjacent to the

HKDL Phase 2 site, the proposed IWMFs at Site 3 would also lead to significant impact on the development potentials of the site as a theme park and its land value. This would have negative financial implications to the Government in terms of the value of the Phase 2 site and future commercial return of the theme park thereat.

Public Comments

- (p) during the first three weeks of the statutory publication periods of the application, a total of 3,692 public comments, including 3,160 opposing comments, 299 supporting comments and 233 comments without specifying whether they supported or objected to the application, were received;
- (q) the main grounds of supporting the application were that the sites of the proposed IWMFs were well distributed throughout Hong Kong and would be convenient to different catchments of municipal solid waste generation, SKC and its surrounding waters were of high ecological value, and the IWMFs at SKC were not economical and would destroy Hong Kong's image; and
- (r) the main grounds of objection were that there were no detailed and comprehensive study and consultation on the proposed IWMFs, the proposed developments would induce significant nuisance, environmental impact and hygiene problems, the facilities were not compatible with the nearby uses, the proposed IWMFs at Site 2 was too close to the residential area, the proposed IWMFs at Site 3 might fall within a Neolithic Archaeological site, and Site 5 was suitable for IWMFs which should be implemented as soon as possible. The proposed marine park at Site 5 might also affect the livelihood of the fishermen and undermine the fishing industry. The proposed IWMFs was not in line with the Government's waste management policy, and approval of the application would set an undesirable precedent for similar applications.

PlanD's Views

- (s) PlanD did not support the application based on the assessments made in paragraph 9 of the Paper, which were summarised as follows:
- (i) the proposed rezoning of the four sites were not in line with the planning intentions of the respective sites. The “OU” annotated “Landfill” zone at Site 1 was for development of a landfill and ancillary facilities and was considered appropriate to reflect the existing and planned use of the site. The applicant had not submitted strong planning justifications in the application to substantiate why Site 1 should be rezoned to “OU(Landfill/IWMFs)” which was not in line with the Government’s waste management strategy. Approval of the rezoning application without strong planning justifications and the support of relevant technical assessments would jeopardise the long-term planning intention of the site and its surrounding area. The planning intention of “OU(Deep Waterfront Industry)” zone at Site 2 was primarily for special industries which required marine access, access to deep water berths or water frontage. There was no strong planning justification to support rezoning the site from “OU(Deep Waterfront Industry)” to “OU(IWMFs)”. The planning intentions of “G/IC”, “OU” annotated “Amenity Area” and “Undetermined” zones at Site 3 were primarily for the provision of Government, institution and community (GIC) facilities, landscape buffers and uses compatible with HKDL respectively to serve the needs of visitors and hotel guests in the area, and the planning intention of “GB” zone was primarily for conservation of the existing natural landscape, ecological and heritage features, scenic areas and visual backdrop to the visitor attractions. There was no strong planning justification to support the rezoning of Site 3 for IWMF development. The planning intention of “OU” annotated “IWMF” zone at Site 5 was

for IWMFs (Phase I) according to Government's latest waste management policy. The proposed rezoning of Site 5 to "OU(Marine Park)" was incompatible with the planned use of the site;

- (ii) the current waste management strategy and location of the proposed IWMFs in SKC had been formulated through different statutory procedures in a comprehensive manner. The proposed marine park at SKC was not in line with the Government's waste management policy and would seriously delay the IWMFs (Phase I) which was considered as the backbone waste management infrastructure;
- (iii) the possibility of developing new waste treatment facilities on the existing landfill sites, including the application sites, had already been considered and assessed by the Government in previous studies and site search exercises. The proposed regional IWMFs were 'Designated Projects' under the EIA Ordinance (Cap. 499) which stipulated that the environmental acceptability had to be established through the statutory EIA process. There was no assessment to demonstrate that the proposed IWMFs were environmentally acceptable;
- (iv) no technical assessment had been submitted by the applicant to demonstrate the feasibility of the proposals. In particular, no impact assessment had been carried out by the applicant on the transportation of waste residues from Sites 2 and 3 to Site 4, building of an incinerator on the landfill and landfill gas on Site 1, impact on high-technology industries near Site 2, significant impact on the development potential and the land value of the HKDL Phase 2 site arising from the proposed development at Site 3, and no technical assessment had been carried out to demonstrate the feasibility of setting up a marine park at Site 5;
- (v) no assessment on road traffic and marine traffic impact to

demonstrate the feasibility of the proposals had been carried out by the applicant;

- (vi) the proposed rezoning would have adverse impact on nature conservation as Site 3 was a recognised habitat of the White-bellied Sea Eagles while the proposed IWMFs on an artificial island at SKC would not have adverse impact on the environment and ecology of the area; and
- (vii) on visual and landscape aspects, there was no detailed layout, development parameters or assessment provided by the applicant and the applicant had failed to demonstrate that the proposed IWMFs were acceptable on visual and landscape aspects.

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

9. The Chairman then invited Mr Ian Brownlee to elaborate on the application. Mr Brownlee made the following main points with the aid of a PowerPoint presentation:

- (a) IWMAAG had a real concern on the waste situation in Hong Kong. Over the past few years, however, the proposals to handle Hong Kong's municipal solid wastes made by IWMAAG had been rejected by the Government primarily based on the fact that EPD had already come up with a proposal for erecting an incinerator on SKC. It was noted that the proposed incinerator still had not got the approval and Hong Kong was running out of space and means to handle the waste issue as the existing landfills would be filled up by 2017. There was still no answer to the issue and no one had taken the opportunity to review the medium and long-term implications after exhaustion of the landfills. The current submission provided a strategic review of the waste management system, an explanation of why it had not been successful, and a solution to help Government implement the integrated waste management policy;
- (b) according to the Blueprint for Sustainable Use of Resources for 2013-2022

(the Blueprint) issued by the Government, Hong Kong generated 9,000 tonnes of municipal solid waste (MSW) per day. The Blueprint recognised the problems of the waste management system and acknowledged that there was no solution to these problems;

- (c) a considerable amount of MSW should be reduced. However, with the projected increase in the population of Hong Kong and the target per-capita MSW disposal at 0.8 kg per day in 2022, there would still be over 6,000 tonnes of MSW per day;
- (d) the treatment capacity for MSW would become inadequate by 2022 and another incinerator would be needed; otherwise about half of the waste would have to be landfilled. Members of the public did not object to having additional waste treatment facilities, but they did not want to have the incinerator at their backyard. Against this background, IWMAAG had tried to tackle the problem through land use planning;
- (e) the current situation was that as the proposed waste treatment facilities in SKC had not yet secured funding approval, there was no date for its implementation. All other facilities were inadequate to handle MSW, and proposals for landfill extensions had also yet to be approved. There was no evident solution to the waste problem by 2017 and no sites had been confirmed for waste treatment facilities;
- (f) IWMAAG had adopted a new approach to handle the waste issue which could be implemented at a shorter timescale, more economically viable, more flexible to cater for technology advances and would be able to distribute the responsibility evenly on a regional basis. To minimise the volume of waste to be landfilled, priority actions should be taken to reduce waste before reaching landfill through waste charging. Wastes should be mechanically sorted on arrival at IWMAAGs to facilitate recycling. A composting plant could be integrated as part of the IWMAAGs which was generally accepted by the community. Last resort action could be taken including heat treatment of residual waste material as part of the IWMAAGs.

After reuse of residual material from heat treatment where possible, the remaining material would be sent to landfill;

- (g) each of the sites was compatible with its neighbouring activities. Three of the sites would be relied on marine access to minimise their impacts on road traffic. The rezoning of the four regional IWMFs sites was a balanced approach to respond to local needs;
- (h) the proposals were consistent with the Government approach but with a higher capacity. For the facilities proposed by EPD in SKC, the sorting and recycling plant had a treatment capacity of 200 tpd only. However, the current proposal would reach a treatment capacity of 700 tpd;
- (i) for Site 1, the IWMFs could be provided at the expansion portion of the landfill site to reduce up to 80% of the waste for landfill. As a community group, the applicant acknowledged that no technical assessment had been done on the proposals which were only conceptual for exploring measures to increase the capability of the site. In the proposed Notes of the “OU(Landfill/IWMFs)” zone, additional uses including ‘Composting Plants’, ‘IWMFs’, ‘Recyclable Collection Centre’ and ‘Waste Sorting Facilities’ were included in Column 1;
- (j) Site 2 had a marine access and it was not reserved for any other uses. The size of the site was adequate for the proposed facilities based on overseas examples. The proposed use was compatible with the surrounding developments which included an industrial area. The Sai Kung District Council had no objection to the proposed IWMFs as long as it was not in TKO. To address the local residents’ concerns on potential nuisance and other impacts, it was proposed to include “IWMFs” under Column 2 of the “OU(IWMFs)” zone;
- (k) Site 3 was close to HKDL. Overseas experiences had demonstrated that IWMFs could be integrated to tourism features. The proposed IWMFs would be located inside a cavern and it did not have any incineration

facilities. CEDD considered it a suitable use. The access to the site would be mainly by the sea to minimise its traffic impacts on nearby tourism facilities. Besides, a visitor/education centre was also proposed which was not incompatible with the surrounding tourist facilities;

- (l) Site 4 was not covered by an OZP. The site was located within the WENT Landfill and adjoining the WENT Landfill Extension which was also the alternative site for the SKC incinerator. It was proposed to zone the area for integrated waste management rather than a landfill extension;
- (m) Site 5 was not required for IWMFs. The Director of Agriculture, Fisheries and Conservation commented that the site was of high ecological value. The area was classified as a landscape protection area and porpoise had a major distribution in this area;
- (n) mechanical sorting was the main component but the range of facilities might be adjusted to match the specific needs of each region/site. The proposed sorting machines were expected to handle 700 tonnes of MSW per day. The IWMFs would come up with waste-to-energy solutions and landfilling would be the last resort. Regarding costing, the proposed IWMFs of 5 waste sorting lines would cost two to four billion dollars while the SKC incinerator proposed by EPD would cost 18 billion dollars for the same capacity. A waste-to-energy plant would only be proposed in Sites 1 and 4 with a capacity to handle 600 tonnes of MSW per day in each plant;
- (o) in response to the Government departments' comments on inadequate technical assessments, the proposed development was only based on a broad concept with some technical inputs which were similar to other Government rezoning proposals. For Site 1, the proposed rezoning would not change the existing zoning boundary on the OZP and the proposed IWMFs were compatible with the landfill site. For Site 2, the proposed IWMFs were similar in nature to the existing permitted uses such as ship-breaking, steel works, motor-vehicle assembly plant, the site was adequate to accommodate the proposed facilities and with marine access.

For Site 3, the proposed IWMFs would be in cavern and was not incompatible with the adjacent tourism-related uses. The proposed IWMFs at this site was not objected to by CEDD. For Site 4, the area had already been identified by EPD as suitable for IWMFs. The landfill site was currently under-utilised and the proposed IWMFs were similar in nature to the existing use. For Site 5, the water off SKC was identified to have a high ecological value. The proposed marine park would have less impact on high speed ferries than the impacts of reclamation for the incinerator proposed by the Government; and

- (p) the Board should take into account the following aspects of the proposals:
 - (i) the inclusion of a wider range of uses relating to waste management in the Notes of the concerned OZPs; (ii) acceptance of part of the application would cut short the subsequent approval process; and (iii) a statutory plan was needed to cover the area between Nim Wan and Lung Kwu Tan for proper land use control and members of the public could be involved through statutory planning process;

10. Mr Brownlee then presented the written statement prepared by Dr Merrin Pearse which was tabled at the meeting. In summary, the statement suggested that there were existing technologies to sort the wastes and there was a huge potential of a more efficient use of the current landfill sites by rezoning them to allow IWMFs so that recyclable materials could be recovered efficiently and the volume of actual waste would be much reduced. With a smaller volume of waste, there might not be a need to use land within a Country Park or reclaim the sea for waste management facilities.

11. Noting the complexity of the waste management strategy, the Chairman and a Member asked whether the applicant had discussed with various Government departments on their approach to waste management before submitting the application for consideration by the Board. In response, Mr Ian Brownlee said that the applicant had presented their proposals to the Environment Bureau and EPD but was informed that the Government had determined to go ahead with the proposed incinerator in SKC and EPD did not accept any proposals on gasification. The applicant had also presented the proposals to the Environmental Panel of the Legislative Council (LegCo) and during the hearing, the Dutch

Chambers of Commerce and the Swedish Chambers of Commerce presented almost the same approach which was very common in their countries. The applicant had also discussed with Sai Kung District Council on their proposal at TKO.

12. A Member said that in order to facilitate the consideration of the s.12A application, detailed information on suitability of the selected sites in particular in relation to infrastructure and social contexts, environmental impacts, details of the operation and logistics of the proposed facilities and statistics on waste reduction would be required. In response, Mr Ian Brownlee said that Site 1 did not have sea access and the waste had to be transported by trucks and this was one of the sites with a proposed incinerator. Another incinerator was proposed in Site 4 to treat any waste residues from Sites 2 and 3. The size of the incinerators could be revised depending on the actual requirement. Site 3 was proposed to cater for the future development at Lantau Island. The proposed IWMFs would be able to reduce up to 80% of the waste for landfill. The layout of the proposed IWMFs at each site was adapted from a proposal originally made by EPD and they could be changed.

13. A Member noted that the sorting and composting of waste was subject to limit. This Member asked whether there would be a breakdown of how many of the waste would be burned and how many would be landfilled. Mr Brownlee responded that the applicant had not gone into technical details as they had been looking at the principles. However, if the gasification would go ahead, there would be virtually no waste going to the landfill site. There would be potentially no need for the proposed WENT Landfill extension.

14. Mr T.K. Cheng, PEPO/SFG, EPD, said that since 2002, EPD had carried out detailed study on the feasibility of mechanical sorting and gasification and invited overseas companies to submit proposals. The proposals received had been carefully considered. It was concluded that the space requirements for mechanical sorting and mechanical biological treatment were two to three times larger than the space requirement for the incinerator proposed by EPD. The operation cost of mechanical sorting was also considered too high. Besides, if the sorted material was contaminated during the sorting process, the sorted product would have a low value for recycling. Even if the recycled material would be used for composting, the quality would be very low. Therefore, it was concluded in the assessment in 2005 that mechanical sorting should not be a mainstream approach for handling wastes in Hong Kong. In the subsequent consultancy study in 2009 on the

proposed incinerator in SKC, a review on the feasibility of mechanical sorting was conducted. In March 2014, EPD and the Environmental Panel of the LegCo paid a visit to Europe to study the latest incineration, gasification and waste sorting technologies and no new technologies were observed. There was no change to the conclusion made. He remarked that the Blueprint had already provided a holistic approach by reducing waste generation through changing the community's behavior. Waste sorting at source in all 18 districts, including treatment of food waste, was effective.

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

Deliberation Session

16. The Chairman expressed his appreciation of the applicant's effort in submitting the application but said that the Committee should focus on matters relating to land use zoning and site reservation aspects. The feasibility of waste management strategy would be under the ambit of the Advisory Council on the Environmental.

17. A Member said that the applicant had not provided sufficient information to support the rezoning application. The information presented by the applicant did not provide any details on the impacts of the operations at each of the sites and was not convincing to support the proposed rezoning. This Member however considered that the impacts of the proposals on the delay on the IWMFs Phase I might not be a primary reason of rejection of the application and the suggested rejection reason (d) in page 37 of the Paper would be more important. This Member also considered that the suggested rejection reasons (b) and (c) might need to be revised to better reflect the Committee's concern. Another Member shared the view and said that the applicant had not provided sufficient information to demonstrate the feasibility and suitability of the proposed IWMFs at the sites and that the Committee was not an appropriate forum to consider the waste management strategy.

18. The Chairman then invited Members to go through the suggested rejection reasons on page 37 of the Paper. The Committee agreed to rearrange the order and refine the wording of the rejection reasons.

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

- “(a) the current zonings of the application sites are considered appropriate to reflect the current and planned uses of the sites. No strong justifications are provided to support the rezoning of the sites as proposed by the applicant for Integrated Waste Management Facilities (IWMFs) use or a marine park;
- (b) there is insufficient information in the submission to demonstrate the environmental acceptability and technical feasibility of the proposed developments and that the proposed IWMFs at the proposed sites would not generate adverse traffic, visual and landscape impacts on the surrounding areas;
- (c) the proposal will seriously delay the implementation of the IWMF Phase 1 which is one of the strategic backbone waste management infrastructure for Hong Kong and it is not in line with the government’s waste management policy. There is no strong justification to support the rezoning application; and
- (d) Shek Kwu Chau is identified for the provision of IWMF after detailed site search and technical assessments including the Environmental Impact Assessment (EIA) report approved under the EIA Ordinance which has confirmed that the IWMF at Shek Kwu Chau is environmentally acceptable.”

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

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

[Mrs Alice Y.F. Mak, 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/SK-TMT/46 School (Kindergarten) in “Village Type Development” zone,
Government Land in D.D. 369, Pak Tam Chung Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/46)

Presentation and Question Sessions

20. With the aid of a PowerPoint presentation, Mrs Alice Y.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (kindergarten);
- (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, a total of 102 public comments, most were in standard letters, objecting to the application were received. The main grounds of objection were that the on-site structures were funded and built by the villagers in the 1960s for their children attending the school and should be retained for festive or regular gathering of the villagers, or for the construction of a Pak Tam Chung Heung Rural Committee cum historical museum. The Sai Kung Rural Committee and some local villagers were concerned that the

kindergarten might affect future Small House developments within the “Village Type Development” (“V”) zone. As advised by District Officer (Sai Kung), a Sai Kung District Councillor considered that the former Pui Choi Public School was big enough for the kindergarten use and the surrounding Government land should not be included in the application; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application involved the regularisation of a kindergarten within some non-New Territories Exempted Houses in the “V” zone. The kindergarten was accommodated in some old single storey rural structures of the former Pui Choi Public School and was not incompatible with the surrounding Small House developments and the rural landscape character. The kindergarten had been operating since 2008 without any adverse impact on the surrounding areas or infrastructure provisions. There were about 1.41 ha of land available for Small House development in the subject “V” zone. Regarding the 102 public comments which were all objecting to the application, it was noted that the site, together with the structures thereon, had been leased on short term tenancy for a non-profit making child care and training centre since 1994. The Secretary for Education supported the non-profit making kindergarten at the site.

21. Members had no question on the application.

Deliberation Session

22. 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 27.6.2018, 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 landscaping and 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; and
- (c) the submission of a drainage proposal and the provision of drainage facilities proposed to the satisfaction of the Director of Drainage Services or of the TPB.”

23. 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) to note the comments of the Secretary for Education that the school premises shall comply with the Education Ordinance, Education Regulations and such other requirements as specified from time to time by the Government;
- (c) to note the comments of the District Lands Officer/Sai Kung, Lands Department that if the Short Term Tenancy is approved, it will be subject to such terms and conditions as the Government considers appropriate;
- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the site is within an area where neither stormwater nor sewerage connection maintained by DSD is available in the vicinity at present;
- (e) 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 administered by the Buildings Department. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plans; and

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend its inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant.”

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

Sha Tin, Tai Po and North District

Agenda Item 5

Section 16 Application

[Open Meeting]

A/MOS/96

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

24. The Secretary reported that Mr H.F. Leung had declared an interest in this item as he was a part-time teacher of the City University of Hong Kong which was the applicant of the application. The Committee noted that the applicant had requested for deferment of consideration of the application and Mr Leung had no involvement in the application. Members agreed that he could stay in the meeting but should refrain from participating in the discussion.

25. Mr Frankie W.P. Chou, Chief Engineer (Works), Home Affairs Department also declared an interest in this item as his daughter was a student of the City University of Hong Kong. As Mr Cho's interest was indirect, the Committee agreed that he could stay in the meeting.

26. The Secretary further reported that the application had been deferred four times for a total of six months . Three applications for deferment were submitted by the applicant mainly on ground that more time was required to prepare further information to respond to Government departments' comments, and one application for deferment was requested by the Planning Department (PlanD). In granting the fourth deferment, the Committee agreed that it was the last deferment and no further deferment would be granted. On 20.6.2014, the applicant wrote to the Town Planning Board to request for the fifth deferment of the consideration of the application for one month to allow time for consultation with the Sha Tin District Council (STDC) on 3.7.2014 on the latest development scheme. Since there was public concern on the application and four deferments had already been granted, this deferment, if granted, would be under exceptional circumstances in that additional time was required for consultation with STDC.

27. The Chairman said that the application for deferment was to seek STDC's views on the latest development scheme. The applicant should be reminded of incorporating STDC's views for consideration by the Committee when the application was submitted to the Committee on 8.8.2014, if the deferment was granted.

28. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant till 8.8.2014. The Committee agreed to advise the applicant that one month was allowed for consultation with the STDC on the revised development scheme. Since it was the fifth deferment, the applicant should be reminded that the Committee had allowed a total of six months for the applicant, this deferment was granted under exceptional circumstances and no further deferment would be granted.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-FTA/135 Proposed Temporary Open Storage of Building Materials with Ancillary Warehouse and with Parking Facilities for Lorries and Private Cars for a Period of 3 Years in “Agriculture” Zone, Lot 554 S.A RP (Part) in D.D. 89, Man Kam To Road, Sha Ling
(RNTPC Paper No. A/NE-FTA/135A)

29. The Secretary reported that the application had been deferred once for two months. Since the last deferment on 7.3.2014, the applicant had submitted further information including a drainage proposal, sketch drawings and photos showing the vehicular access to and internal circulation within the site to respond to comments of the Drainage Services Department (DSD) and the Transport Department. On 13.6.2014, the applicant wrote to the Town Planning Board and requested for further deferment of the consideration of the application for two months to allow time for the applicant to prepare further information to address the comments of DSD.

30. 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. Since it was the second deferment of the application, the applicant should be advised that the Committee had allowed a total of four months for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Items 7, 8, 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/53 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1592 S.B and 1593 S.B in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/54 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1592 S.C and 1593 S.C in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/56 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1592 S.D and 1593 S.D in D.D. 91, Kai Leng, Sheung Shui

A/NE-PK/57 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 1592 S.A and 1593 S.A in D.D. 91, Kai Leng, Sheung Shui

(RNTPC Paper No. A/NE-PK/53, 54, 56 and 57)

31. The Committee noted that these four applications were similar in nature and the sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone. The Committee agreed that these applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed House (New Territories Exempted House (NTEH) – Small

House) at each of the sites;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that when compared with the aerial photo taken in 2012 and the recent site visit, it was noted that majority or all of the existing trees and vegetation within the sites had been removed. However, the landscape impact could be minimised by planting trees within the sites. Other concerned Government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, six public comments on applications No. A/NE-PK/53 and 54, and seven public comments on applications No. A/NE-PK/56 and 57 were received. Among the public comments received, a North District Council member supported all four applications as they, if approved, could facilitate villagers to build Small Houses. The Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and The Hong Kong Bird Watching Society objected to the four applications mainly on grounds that the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone, the agricultural land should be retained to safeguard the food supply for Hong Kong and the sprawl of Small House development should be limited to the existing “Village Type Development” (“V”) zone, no traffic or environmental assessments had been included in the submissions, and approval of the cases would set undesirable precedents for similar applications. Other public comments objecting to the applications were mainly on grounds that the village land should be reserved for indigenous villagers of their own clan, the sites fell within the village expansion area of Ping Kong, and the proposed Small House under application No. A/NE-PK/57 would affect the existing water mains and result in adverse drainage impact on the surrounding area; and
- (e) PlanD’s views – PlanD had no objection to the applications based on the

assessments made in paragraph 12 of the Paper. The four 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 village ‘environs’ (‘VE’) of Kai Leng and that there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding area of rural landscape character. To address CTP/UD&L, PlanD’s comments on minimising the landscape impact on the sites, an approval condition on the submission and implementation of landscape proposal (for applications No. A/NE-PK/54, 56 and 57) and an approval condition on the submission and implementation of tree preservation and landscape proposals (for application No. A/NE-PK/53) were recommended. A total of 29 similar applications for Small Houses within the same “AGR” zone in the vicinity of the sites had been approved with conditions by the Committee between 2001 and 2014. There had not been any material change in planning circumstances for the area since the approval of these applications. Regarding the public comments against the applications, according to the record of the District Lands Officer/North, Lands Department, there was no such development programme on expansion area of Ping Kong and the sites fell solely within the ‘VE’ of Kai Leng. Regarding the public comment on potential flooding problem in respect of the application No. A/NE-PK/57, the Chief Engineer/Mainland North, Drainage Services Department and the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. Nevertheless, the applicant of application No. A/NE-PK/57 would be advised to adopt measures to prevent disturbing and polluting the watercourse adjacent to the site, should the application be approved by the Committee. Other concerned departments, including the Environmental Protection Department and the Transport Department had no objection to or no adverse comment on the applications.

33. Members had no question on the applications.

Deliberation Session

34. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 27.6.2018, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

Approval conditions (Application No. A/NE-PK/53)

- “(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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

Approval conditions (Applications No. A/NE-PK/54, 56 and 57)

- “(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.”

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

Applications No. A/NE-PK/53, 54 and 56

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Director of Environmental Protection that the applicant is required to observe the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 requirements for the septic tank and soakaway systems. The proposed Small House should be connected to public sewerage system when available in the vicinity;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
- (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (d) 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;
- (e) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; 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.”

Application No. A/NE-PK/57

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Director of Environmental Protection that the applicant is required to observe the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 requirements for the septic tank and soakaway systems. The proposed Small House should be connected to public sewerage system when available in the vicinity;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt necessary measures to prevent disturbing and polluting the watercourse adjacent to the Site;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private

lots to his department's standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (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;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the Board where required before carrying out the road works."

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/55 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" and "Village Type Development" zones, Lot 1577 RP in
D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/55)

Presentation and Question Sessions

36. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) commented that when compared with the aerial photo taken in February 2013 and the recent site visit, it was noted that the existing trees and vegetation within the site had been removed and adverse impact on the existing landscape resources and character had been taken place. However, the landscape impact could be minimised by planting trees within the site. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received. A North District Council member supported the application as it could facilitate villagers to build a Small House. The Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and The Hong Kong Bird Watching Society objected to the application mainly on grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the agricultural land should be retained to safeguard the food supply for Hong Kong and the sprawl of Small House development should be limited to the existing “Village Type Development” (“V”) zone, no traffic or environmental assessments had been included in the submissions, and approval of the case would set undesirable precedent for similar applications. The two other public comments objecting to the applications were mainly on grounds that the village land should be reserved for indigenous villagers of their own clan and the site fell within the village expansion area of Ping Kong; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The application generally met the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed Small House fell within the village 'environs' ('VE') of Kai Leng and that there was insufficient land within the "V" zone of Kai Leng to meet the Small House demand. The proposed Small House was not incompatible with the surrounding area of rural landscape character. To address CTP/UD&L, PlanD's comments on minimizing the landscape impact on the site, an approval condition on the submission and implantation of landscape proposal was recommended. A total of 29 similar applications for Small Houses within the same "AGR" zone in the vicinity of the site had been approved with conditions by the Committee between 2001 and 2014. There had not been any material change in planning circumstances for the area since the approval of these applications. Regarding the public comments against the application, according to the record of the District Lands Officer/North, Lands Department (LandsD), there was no such development programme on expansion area of Ping Kong and the site fell solely within the 'VE' of Kai Leng. Concerned departments, including the Environmental Protection Department and the Commissioner for Transport had no objection to or adverse comment on the application.

37. In response to a Member's question on the progress of the approved Small House applications in the vicinity of the site, Mr Wallace W.K. Tang, STP/STN, said that four applications had received Small House Grants while the remaining applications were still being processed by the LandsD.

Deliberation Session

38. 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 27.6.2018, 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.

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) 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;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/58 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1544 S.A in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/58)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 9 and Appendix IV of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;

- (d) during the first three weeks of the statutory publication period, a total of 11 public comments were received. A comment from the North District Council member supported the application as it could facilitate villagers to build a Small House. The Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and The Hong Kong Bird Watching Society objected to the application mainly on grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the agricultural land should be retained to safeguard the food supply for Hong Kong and the sprawl of Small House development should be limited to the existing “Village Type Development” (“V”) zone, no traffic or environmental assessments had been included in the submissions, and approval of the case would set undesirable precedent for similar application. The other seven public comments objected to the applications mainly on grounds that the village land should be reserved for indigenous villagers of their own clan, the site fell within the village expansion area of Ping Kong, and the site encroached on a local footpath which was the major access of the local villagers; 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. 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’ (‘VE’) of Kai Leng and that there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. The proposed Small House was not incompatible with the surrounding area of rural landscape character. To minimise the possible landscape impact on the site, an approval condition on the submission and implantation of landscape proposal was recommended. A total of 29 similar applications for Small Houses within the same “AGR” zone in the vicinity of the sites

had been approved with conditions by the Committee between 2001 and 2014. There had not been any material change in planning circumstances for the area since the approval of these applications. Regarding the public comments against the application, according to the record of the District Lands Officer/North, Lands Department, there was no such development programme on expansion area of Ping Kong and the site fell solely within the 'VE' of Kai Leng. Concerned departments, including the Environmental Protection Department and the Commissioner for Transport had no objection to or adverse comment on the application.

41. In response to a Member's question on whether there was sufficient land in Ping Kong to meet the Small House demand, Mr Wallace W.K. Tang, STP/STN, explained that Ping Kong was a relatively well developed village and there was about 0.9ha available for development of 36 Small Houses within the 'VE'. However, the total number of Small House demand was 138. In determining suitable land for Small House development, PlanD would exclude areas reserved for open space, Government use, car parks, temples, village office, slopes, fung-shui ponds and woodland.

42. The Chairman suggested that in future presentation of the applications for Small House development, aerial photos should be used to show the latest development situation around the application site and the concerned village which would facilitate consideration of the applications by the Committee.

Deliberation Session

43. 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 27.6.2018, 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.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) 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;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows:
 - (i) existing water mains as shown in Plan A-2 of the Paper are in close vicinity and will be affected and needs to be diverted outside the site boundary of the proposed development to lie in Government land. A strip of land of 1.5m in width should be provided for the division of the existing water mains. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development; and the grantee/applicant shall submit all the relevant proposal to WSD for consideration and agreement before the works commence; and
 - (ii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD).

Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt necessary measures to avoid impacts to the mature trees adjacent to the site; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 13 and 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/469 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 535 S.A ss.3 and 539 S.D in D.D. 9, Yuen
Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/469)

A/NE-KLH/470 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lots 539 S.C and 541 S.B ss.8 in D.D. 9, Yuen
Leng Village, Tai Po
(RNTPC Paper No. A/NE-KLH/470)

45. The Committee noted that a replacement page of Plan A-4 each for Items 13 and 14 were tabled at the meeting. The Committee also noted that the two applications were similar in nature and the application sites were located in close proximity to each other and within the same “Agriculture” (“AGR”) zone. The Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Papers. The Chief Engineer/Consultants Management, Drainage Services Department (DSD) commented that since the proposed sewerage scheme under North District Sewerage, Stage 2 Phase 1 for Yuen Leng Village was degazetted on 29.10.2010, there was no fixed programme for implementation of the public sewerage system. The Environmental Protection Department (EPD) and the Chief Engineer/Development (2), Water Supplies Department did not support the applications as the sites were located within the upper indirect water gathering grounds and there was no existing public sewerage in the vicinity of the sites;
- (d) during the first three weeks of the statutory publication period, a comment from Designing Hong Kong Limited was received objecting to the application mainly on grounds that the proposed development was not in line with the planning intention of the “AGR” zone and would have cumulative impact on farmland degradation, no traffic or environmental assessments had been submitted; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Papers. The proposed developments did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that the proposed Small Houses were located within the water gathering

ground which would not be able to be connected to the existing or planned sewerage system in the area. Although a previous application for Small House development at each of the sites had been approved upon review on 14.7.2006 and the validity of the planning permission had been extended to 14.7.2014, there was a change in planning circumstances as the proposed sewerage scheme for Yuen Leng Village had been degazetted and there was no fixed programme for implementation of the public sewerage system at this juncture, and EPD and DSD did not support the current applications. In this regard, the current applications did not warrant the same sympathetic consideration as the previously approved applications.

47. In response to a Member's question on why application No. A/NE-KLH/442 for a Small House development located to the north-east of the site was approved after the proposed sewerage scheme for Yuen Leng Village had been degazetted, Mr C.T. Lau, STP/STN said that the site of application No. A/NE-KLH/442 was connected to another sewerage system and that sympathetic consideration could be given for approval of the application.

Deliberation Session

48. After deliberation, the Committee decided to reject the applications. Members then went through the reason for rejection as stated in paragraph 12.1 of the Papers and considered that it was appropriate. The reason was :

- “the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground will not be able to be connected to the existing or planned sewerage system in the area and there is no fixed programme for implementation of such system at this juncture.”

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/505 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 1296 S.B ss.3 and 1296 S.B ss.4 in D.D.8, Lam Tsuen San Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/505)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Chief Engineer/Development (2), Water Supplies Department did not support the application as the site was located within the upper indirect water gathering grounds (WGG) and there was no information in the application to demonstrate that access rights for construction and maintenance of private sewers were granted. In addition, the level of the site was significantly lower than the planned sewers in the vicinity and the feasibility of future sewerage connection to the planned public sewer had not been established. The Director of Agriculture, Fisheries and Conservation did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities;
- (d) no public comment was received during the first three weeks of the

statutory publication period; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention. The proposed development did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that there was sufficient land available to meet the future demand for Small House development in the “Village Type Development” zone of Lam Tsuen San Tsuen. The proposed development was located within the WGG. The applicants failed to demonstrate that the proposed development could be connected to the planned sewerage system and would not create adverse impact on the water quality in the area

50. In response to the Chairman's question, Mr C.T. Lau, STP/STN, said that the application did not comply with the Interim Criteria for consideration of application for NTEH/Small House in the New Territories in that there was sufficient land available to meet the future demand for Small House development in Lam Tsuen San Tsuen.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.

The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen;
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen for Small House development. The applicants fail to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development; and
- (d) the proposed development is located within the Water Gathering Ground. The applicants fail to demonstrate that the proposed development can be connected to the planned sewerage system and would not create adverse impact on the water quality in the area.”

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/506 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 260 S.A ss.1 and 260 S.B ss.1 in D.D. 8, Tai Mong Che Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/506)

Presentation and Question Sessions

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

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. Concerned Government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a comment from the Designing Hong Kong Limited was received objecting to the application mainly on grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, no traffic or environmental assessments had been submitted, and the existing farmland should be safeguarded and the approval of the case would set an undesirable precedent; 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. 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 Tai Mong Che, there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of the concerned villages. Although the site fell within the water gathering ground, it would be able to connect to the planned public sewerage system.

53. In response to the Vice-chairman’s question on the latest progress of the approved applications for Small House developments in the vicinity of the site, Mr C.T. Lau, STP/STN, said that these approved applications had not commenced yet because the public sewerage network was still under construction.

Deliberation Session

54. 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 27.6.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Director of Environmental Protection that the actual construction of the proposed Small House shall only begin after the completion of the public sewerage network; adequate land shall be reserved for the future sewer connection works; and to proceed with the future sewer connection work at the applicant’s own cost;
- (b) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
 - (i) public stormwater drain is not available for connections in the vicinity of the site. Any proposed drainage works, whether within or

outside the lot boundary should be constructed and maintained by the applicant at his own expense. The applicant/owner is required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and

- (ii) the village sewerage works in Tai Mong Che Village will be carried out under DSD's project 4332DS "Lam Tsuen Valley Sewerage – Stage 2". The works of the project has started in 2012 for completion in 2016 tentatively subject to land acquisition. There is no existing public sewerage system connection available now. Public sewers will be laid under DSD's current project scheme 4332DS. The applicant could extend his sewer to the nearest connection point of the proposed sewerage system by himself via other private/government land if he would like to discharge his sewage into the planned public sewerage system subject to the site situation. The above information is preliminary and will be subject to revision to suit the actual site condition;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
- (i) the applicant shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed New Territories Exempted House/Small House to the planned sewerage system via relevant private lots; and
 - (ii) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water

supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kv and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

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

Agenda Items 17 and 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/507 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government land in D.D. 27, Shuen Wan Sha Lan
Village, Tai Po
(RNTPC Paper No. A/NE-TK/507)

A/NE-TK/508 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Government
land in D.D. 27, Shuen Wan Sha Lan Village, Tai Po
(RNTPC Paper No. A/NE-TK/508)

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

Presentation and Question Sessions

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

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

House) at each of the sites;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Chief Town Planner/Urban Design & Landscape, Planning Department did not support the applications on grounds that the proposed developments would likely require slope cutting, foundation works, site formation, vegetation clearance and tree removal, which should have significant adverse impacts on existing landscape resources and yet the applicants had failed to demonstrate that adverse impacts can be avoided or mitigated. The applications did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New Territories and the Town Planning Board Guidelines No. 10 (TPB PG-No.10) for ‘Application for Development within “Green Belt” zone in that the proposed developments would involve cutting of slopes and site formation works that would cause adverse impacts on the surrounding natural landscape. The applicants failed to demonstrate that the proposed developments would not cause adverse landscape impact on the surrounding areas. The approval of the applications would encourage similar applications in the area within the subject “GB” zone, resulting in a general degradation of the environment and landscape resources of Sha Lan;

- (d) during the first three weeks of the statutory publication period, a total of 64 public comments all objecting to application No. A/NE-TK/507 and a total of 60 public comments with one supporting and 59 objecting to application No. A/NE-TK/508 were received. The supporting comment on application No. A/NE-TK/508 was mainly on ground that the land within the “Village Type Development” zone in Sha Lan for Small House development was already exhausted, villagers were forced to look for alternative sites in the “GB” zone. The objections against the two applications were mainly on grounds that the proposed Small House developments were not in line with the planning intention of “GB” zone and TPB PG-No. 10 in that the proposed developments would involve clearance of vegetation and affect natural habitat, set undesirable precedent

for other similar applications, have cumulative impacts on degradation of the natural environment and greenery landscape, visual, pollution, traffic congestion, road safety, slope stability, drainage, sewerage, tranquillity of the area, and disharmony amongst the neighbourhood; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Paper. The proposed developments were not in line with the planning intention of the “GB” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. The applications did not comply with the Interim Criteria for consideration of application for NTEH in New Territories and the TPB PG-No. 10 in that the proposed developments would involve cutting of slopes and site formation works that would cause adverse impacts on the surrounding natural landscape. The applicants failed to demonstrate that the proposed developments would not cause adverse landscape impact on the surrounding areas. The approval of the applications 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

58. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is to define the limits of urban and sub-urban development areas by natural features and to contain

urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;

- (b) the application does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve cutting of slopes and site formation works that would cause adverse impacts on the surrounding natural landscape. The applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/553 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 81 S.A R.P. in D.D. 21, San Uk Ka Village,
Tai Po
(RNTPC Paper No. A/TP/553)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) had reservation on the application as the construction of the proposed Small House would result in more of the wooded land being disturbed and encroachment of developments onto the “Green Belt” (“GB”). The approval of the application would set an undesirable precedent for similar applications in the area. Other concerned Government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, four public comments objecting to the application were received from the Kadoorie Farm & Botanic Garden Corporation (KFBG), Designing Hong Kong Limited, Worldwide Fund for Nature Hong Kong and an individual. The main grounds of objection were the proposed Small House development was not in line with the planning intention of “GB” zone, it would involve clearance of vegetation and would have adverse landscape impact, approval of the application would set an undesirable precedent for other similar applications which would have adverse cumulative impacts on the area. KFBG also observed that there had been some changes in landscape at the site and considered that any ‘Destroy First, Build Later’ activities should not be tolerated; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The application generally met the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that the footprint of the proposed Small House fell entirely within the village ‘environs’ (‘VE’) of San Uk Ka and Cheung Uk Tei Village, there was a general shortage of land in meeting the demand for Small House

development in the “Village Type Development” (“V”) zone of the concerned villages. A total of 33 applications for Small House development within the same “GB” zone were approved by the Committee between 2000 and 2013, there had not been any material change in planning circumstances for the area since the approval of these applications;

61. Based on the statistics on the demand for Small House and land available to meet the Small House demand for San Uk Ka and Cheung Uk Tei Villages as shown in the Paper, a Member considered that the two villages had no acute shortage of land for Small House development and asked why the proposed development of a Small House in the “GB” zone was recommended for approval. Mr C.T. Lau, STP/STN, explained that in assessing the Small House application, the ‘VE’ boundary and land available within the “V” zone would be taken into consideration. According to the Interim Criteria, at least 50% of the footprint of the proposed Small House should fall within the ‘VE’ of the respective village. In determining land availability for Small House development, the Small House applications already approved and existing features including river, temples and village offices from the area of the “V” zone had been excluded. The land available would then be compared with the demand as indicated by the outstanding applications being processed by the Lands Department (LandsD) and the 10-year forecast. Should there be a shortage of land available, sympathetic consideration could be given. The technical suitability of the site would also be assessed. Regarding the subject application, San Uk Ka Village fell within a large “V” zone which comprised several villages, applications for Small House had been approved in the vicinity and the site was in close proximity to nearby village houses. As there was insufficient land within San Uk Ka available for Small House development, sympathetic consideration could be given according to the Interim Criteria.

62. In response to the Chairman’s question on the location of land available within the “V” zone for Small House development, Mr C.T. Lau said that the “V” zone extended from San Uk Ka to the area adjacent to Tolo Highway and comprised a number of villages. Most of the land available for Small House development was located in the northern part of the “V” zone away from San Uk Ka. In response to the Vice-chairman’s question on why the applicant did not propose to develop the Small House in the available land within the northern part of the “V” zone instead, Mr Lau said that most villagers would prefer

developing a Small House within the 'VE' of their own village as cross-village applications were often objected by villagers of another village.

Deliberation Session

63. In response to a Member's questions on the validity of the 10-year forecast for Small House demand and whether priority would be given to applicants whose family members had not made any application before, Ms Anita K.F. Lam, Assistant Director/Regional 3, LandsD, said that under the current Small House policy, all male indigenous villagers reaching the age of 18 were entitled to erect a Small House. If an indigenous villager owned a piece of land within the 'VE' of a recognised village, he could apply for a building licence to LandsD without charge. For application on Government land, the waiting time for processing of application would be longer as generally only a small amount of Government land was available within a 'VE'. In assessing applications for Small House, the record of application submitted by the applicant's family members was not a factor of consideration and every application was assessed on an equal basis.

64. The Chairman said that many recent applications for Small House development were outside the "V" zone but were within the boundary of the 'VE' as any application for Small House falling outside the 'VE' would not be supported by LandsD. He noted that similar applications had been approved in the vicinity of the site.

65. Referring to Appendix V of the Paper, the Secretary said that the applicant was an indigenous villager of San Uk Ka and the outstanding Small House applications and the 10-year Small House demand forecast for San Uk Ka were 11 and 35 respectively.

66. Based on the breakdowns of the Small House demand, a Member considered that there was no strong reason to approve the application. The same Member also noted in the aerial photo presented in the meeting that those applications approved in 2010 still had yet to commence and considered that there was no strong basis to grant any further planning permissions for Small House on land within the subject "GB" zone taking into account that it was not uncommon for cross-village Small House application. The Chairman said that the aerial photo might not reflect the latest situation of the area and requested PlanD to provide further information on the latest situation of Small House development in the area. As for

the cross-village application, Ms Anita Lam said that it was not accepted by every ‘Heung’. However, she had no information on whether the concerned ‘Heung’ of the subject application would accept cross-village application.

67. The Vice-chairman noted that the site was located at the edge of the “GB” zone and had already been formed. However, the area to the immediate west was covered with vegetation. He considered that it would be necessary to draw a line to prevent development from further encroaching onto the vegetated area. In response to the Chairman’s question on the existing situation of the area to the west of the site, Mr C.T. Lau said that the area to the west was a gentle slope covered with dense vegetation and according to the relevant Town Planning Board Guidelines No. (TPB PG-No.) 10, any application involving large scale clearance of existing vegetation would not be approved. The Vice-chairman said that by approving the application, associated site formation works to be carried out might further affect the existing vegetated area and pave the way for similar applications in future.

68. The Chairman said that the Committee could either reject the application or defer a decision on the application pending additional information to be provided by PlanD on the latest progress of the approved applications in the vicinity of the site, the land available in San Uk Ka for Small House development, and the history of the site condition to determine whether it would be a ‘destroy first, build later’ case.

69. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information by PlanD on the latest progress of the approved applications in the vicinity of the site, the land area available in San Uk Ka for Small House development, and the history of the site condition.

Agenda Items 20 to 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/554 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 191 (Part) in D.D. 21, San Uk Ka Village,
Tai Po

A/TP/555 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lot 190 (Part) in D.D. 21, San Uk Ka Village, Tai Po

A/TP/556 Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 190 (Part) in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/554 to 556)

70. Noting that the three applications were similar in nature and the sites were located in close proximity to each other, Members agreed that the applications should be considered together.

Presentation and Question Sessions

71. 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) the proposed House (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Concerned Government departments had no objection to or no adverse comments on the applications;
- (d) during the first three weeks of the statutory publication period, seven public comments were received from the Kadoorie Farm & Botanic Garden Corporation (KFBG), Designing Hong Kong Limited, Worldwide Fund for Nature Hong Kong, and four individuals including three local residents, all

objecting to the applications. The main grounds of objection were the proposed Small House developments were not in line with the planning intention of “Green Belt” (“GB”) zone, the proposed developments, if approved, would involve clearance of vegetation and would have adverse landscape impact, set undesirable precedents for other similar applications which would have adverse cumulative impacts on the area, the applications were submitted by developers but not indigenous villagers and there were concerns on traffic, environmental, drainage and sewerage impacts; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Paper. The application generally met the Interim Criteria for consideration of application for NTEH/Small House in New Territories (the Interim Criteria) in that the footprint of the proposed Small Houses fell entirely within the village ‘environs’ of San Uk Ka and Cheung Uk Tei Village, there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the concerned villages. A total of 33 applications for Small House development within the same “GB” zone were approved by the Committee between 2000 and 2013, there had not been any material change in planning circumstances for the area since the approval of these applications.

72. In response to a Member’s question on the Small House demand for Sheung Wun Yiu and Chai Kek, Mr C.T. Lau, STP/STN, said that a total of 183 Small Houses were required for Wun Yin, Cheung Uk Tei and Sau Uk Ka Villages, including 27 outstanding Small House applications and 156 based on the 10-year Small House demand forecast for the villages. According to PlanD’s estimation, an area of about 3.42ha for development of about 136 Small Houses were available in the “V” zone. A Member said that the land available could meet most of the outstanding Small House application and majority of the Small House demand was made up of the 10-year Small House forecast. In response to the Chairman’s question, Mr C.T. Lau said that the existing structures near the sites were temporary domestic structures and there was only one approved application for Small House in the vicinity of the sites.

73. In response to another Member's question on how the identity of the applicants as indigenous villagers would be verified, Ms Anita K.F. Lam, Assistant Director/Regional 3, Lands Department (LandsD) said that after the planning application was approved by the Committee, LandsD would check the identity of the applicant when application for Small House under the prevailing Small House Policy was submitted. LandsD would not grant the permission if the applicant was not an indigenous villager. The Chairman said that whether the applicant was an indigenous villager was not a planning consideration for the Committee in determining the current planning applications.

Deliberation Session

74. The Vice-chairman said that if the applications were approved, they would have a precedent effect for similar applications in the area to the east of the sites and would significantly change the landscape character of the area. As the applications fell within the same village (i.e. San Uk Ka Village) as in Item 19, he suggested that they should be deferred pending further information to be submitted by PlanD. A Member agreed to defer the consideration of the applications as there was a strong public aspiration to preserve the "GB" zone.

75. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information by PlanD on the land area available in San Uk Ka for Small House development, and the temporary structures in the area east of the "V" zone of San Uk Ka.

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 23

Section 12A Application

[Open Meeting]

Y/YL-KTS/4 Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, To rezone the application site from “Residential (Group D)”, “Agriculture” to “Residential (Group B)”, Lots 470, 471, 472, 1276, 1277 RP, 1335 S.A, 1335 RP, 1336 RP, 1337 RP, 1338, 1339, 1340, 1341, 1342, 1343 RP, 1344 RP and 1351 RP in D.D. 106 and Adjoining Government Land, Kong Ha Wai, Yuen Long (RNTPC Paper No. Y/YL-KTS/4)

76. The Secretary reported that the applicant requested on 13.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment.

77. 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 C.K. Tsang, Senior Town Planner/Shia Tin, Tai Po and North (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/641 Renewal of Planning Approval for Temporary “Open Storage of Electricity Generators and Compressors with Maintenance Works” for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 391 RP (Part), 392 RP and 1356 RP (Part) in D.D.106, Shek Wu Tong, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/641)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “Open Storage of Electricity Generators and Compressors with Maintenance Work” under application No. A/YL-KTS/602 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential dwellings/structures located to the immediate north and in the vicinity of the site and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a public comment from a local villager objecting to the application was received. The main ground of objection was that the applicant, as the manager of Tang Tsun Fu Tong (the ‘Tong’) and owner of part of the site, exploited the

rights in receiving his share of revenue of the ‘Tong’; 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. The application was in line with the Town Planning Board Guidelines No. (TPB PG-No.) 13E and TPB PG-No. 34B in that previous approvals had been granted at the site and the approval conditions in relation to drainage and fire safety aspects under the last application (No. A/YL-KTS/602) were complied with. Although DEP did not support the application as there were sensitive receivers and environmental nuisance was expected, no environmental complaint was received by DEP in the past 3 years. To address the possible nuisance generated by the temporary use, approval conditions restricting operation hours, prohibiting paint spraying activity at the open area of the site and maintaining the peripheral fence wall of 2.5m high were recommended. Owing to the proximity of the site to a Small House development, a shorter approval period of 1 year was recommended as in the last Application No. A/YL-KTS/602 for monitoring the situation on the site. Regarding the local objection related to the manager of the ‘Tong’, the applicant was advised to resolve any land issue relating to the development with the concerned owner(s) and villager(s) of the site.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, from 11.7.2014 until 10.7.2015 instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., 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 paint spraying activity shall be carried out at the open area of the site, as proposed by the applicant, at any time during the planning approval period;
- (d) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (e) the vehicular access/run-in between the site and the public road shall be maintained at all times during the planning approval period;
- (f) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (g) the peripheral fence wall of 2.5m high shall be maintained at all times during the planning approval period;
- (h) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities within the site shall be maintained at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.10.2014;
- (k) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 22.8.2014;

- (l) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.1.2015;
- (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) a shorter approval period is granted and shorter compliance periods are imposed correspondingly so as to monitor the situation on the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) and villager(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private lots within the site are Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without prior approval from the Lands Department (LandsD). Lots 391 RP and 392 RP in D.D.106 are covered by Short Term Waiver No. 2504 to allow the use of land for the purpose of an office and a workshop ancillary to open storage of electricity generators and compressors. The site is abutting Kam Sheung Road via Government Land and LandsD does not provide maintenance works on the access nor guarantees any

right-of-way. The lot owners concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others payment of premium or fee, as may be imposed by LandsD;

- (d) to adopt 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 nuisances;
- (e) to note the comments of the Commissioner of Transport that the site is connected to public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. No vehicle should be parked outside the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is reminded to adopt good site practice and implement necessary measures as far as practicable to prevent polluting the adjacent watercourse which would connect to a nearby channel with gabion linings as ecological mitigations measures;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of his department (not being New Territories

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

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant should also observe the good practice guidelines for open storage sites in Appendix VI of the Paper. If the proposed structure(s) is required to comply with the BO (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. To address the approval condition related to

provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval;

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines. Prior to establishing any structure within the site, the applicant and/or his contractors shall also liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supplier Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the Project Manager/New Territories North and West, Civil Engineering and Development Department (CEDD) that the site falls within the area under the Land Use Review for Kam Tin South and Pat Heung. CEDD will conduct a study to ascertain the engineering feasibility for the developments within the area. The consultants to be employed for the study may need to conduct site survey and site investigation works including collection of samples, etc. within the site. The applicant should be informed of this possible interface issue and be required to provide access, works area, etc. to facilitate the survey/investigation works; and
- (l) the site should be kept in a clean and tidy condition at all times.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/690 Temporary “Container Trailer/Tractor Park” Use for a Period of 3
Years in “Open Storage” zone, Lots 854 (Part) and 856 (Part) in
D.D.111 and Adjoining Government Land, Chung Yan Pei, Pat Heung,
Yuen Long
(RNTPC Paper No. A/YL-PH/690)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary container trailer / tractor park use for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) 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 12 of the Paper. The application generally complied with the Town Planning Board Guidelines No. (TPB PG-No.) 13E in that there was no adverse departmental comment and no local objection against the application.

Besides, there was no major change in planning circumstances since the last approval (No. A/YL-PH/619) for the same use on the site. The applicant had also complied with the approval conditions including submission and implementation of drainage, landscape and fire service installations proposals under the last planning permission. To mitigate any potential impacts, approval conditions on restriction on operation hours, types of vehicles and workshop-related activities were recommended.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be parked / stored on the site at any time during the planning approval period;
- (d) no reversing of vehicles into or out of the site is allowed at any time 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 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 27.12.2014;

- (g) in relation to (f) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2015;
- (h) the submission of records 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 27.9.2014;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2014;
- (j) in relation to (i) 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 27.3.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

owner(s) of the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) 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 of the Government. The site is accessible from Fan Kam Road via private lots. His office provides no maintenance works for this Government land (GL) involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit structures to be erected or regularize any irregularities on site. The applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such applications will be considered by LandsD acting in the capacity as landlord as its sole discretion and there is no guarantee that such applications will be approved. If such application is approved, it will be subject to such terms and condition including, among others, the payment of premium or fee, as may be imposed by LandsD;
- (d) to adopt the environmental mitigation measures as set out in the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Commissioner for Transport that the site is connected to public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standards;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. 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;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized 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; 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) 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, 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. 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 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/691 Proposed Temporary Open Storage of Second Hand Private Cars and Trucks (30 tonnes) for a Period of 3 Years in “Residential (Group D)” zone, Lot 55 (Part) in D.D.108, Ta Shek Wu, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/691)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of second-hand private cars and trucks (30 tonnes) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential dwelling located to the immediate north and west with the nearest one at about 3m away from the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design & Landscape, Planning Department (PlanD) did not support the application from the landscape planning perspective. Should the application be approved, it would encourage similar open storage applications in the area which would lead to further degradation of the existing landscape quality of the area. The Chief Engineer/Mainland North, Drainage Services Department commented that the drainage proposal submitted by the applicant was not satisfactory;
- (d) during the first three weeks of the statutory publication period, a public

comment objecting to the application was received. The main ground of the objection was the development under application would attract illegal overseas workers who were already active in Pat Heung to make use of the lot for illegal squatters with illegal supply of electricity and water and without proper drainage and sewage treatment facilities; and

- (e) PlanD's views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments. The proposed development was not compatible with the surrounding land uses comprising residential structures/dwellings and agricultural land, and with the woodlands zoned “Conservation Area” located to its north, west and south. The application did not comply with the Town Planning Board Guidelines No. (TPB PG-No.) 13E in that there was no previous approval granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Besides, there were adverse departmental comments and public objection against the application. All four previous applications for parking of heavy vehicles or similar open storage uses submitted by the same applicant were rejected by the Committee. There was no major change in planning circumstances that warranted a departure from the Committee's previous decisions. Approval of the application even on a temporary basis would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

87. Members had no question on the application.

Deliberation Session

88. 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 “Residential (Group D)” (“R(D)”) zone which is primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that no previous approval has been granted at the site and there are adverse departmental comments and public objection against the application. The proposed development is also not compatible with the surrounding land uses comprising residential structures/dwellings and agricultural land;
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

[The 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 27

Section 12A Application

[Open Meeting]

Y/YL-PN/6 Application for Amendment to the Approved Sheung Pak Nai and Ha Pak Nai Outline Zoning Plan No. S/YL-PN/9, To rezone the application site from “Coastal Protection Area” to “Government, Institution or Community” for Columbarium Use, Lot 118 in D.D.135 and adjoining Government Land, Nim Wan Road, Pak Nai
(RNTPC Paper No. Y/YL-PN/6)

89. The Secretary reported that Professor S.C. Wong had declared an interest in this item as CKM Asia Limited, one of the consultants of the applicant, had sponsored some activities of the Institute of Transport Studies of the University of Hong Kong, of which Professor Wong was the Director. The Committee noted that Professor Wong had no involvement in this application and agreed that he could stay in the meeting.

90. The Secretary further reported that on 11.6.2014 the applicant wrote to the Town Planning Board to request for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments of relevant Government departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 28

Section 16 Application

[Open Meeting]

A/TM-LTY Y/273 Proposed Residential Development (Flat) in “Residential (Group E)” Zone, Lots 212 RP, 232, 233, 234, 235, 236 RP, 237, 238, 239, 243, 244, 246 RP, 246 S.A, 246 S.B, 247, 367 and 368 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/273B)

92. The Secretary reported that the application was submitted by Join Smart Limited, a subsidiary of Sun Hung Kai Properties Limited, and Llewelyn - Davies Hong Kong Limited, Ronald Lu & Partners, AXXA Group Limited, AECOM Asia Company Limited and Environ Hong Kong Limited as consultants of the applicant. The following Members had declared interests in this item:

- | | |
|---------------------|---|
| Mr Ivan C.S. Fu | - having current business dealings with Sun Hung Kai Properties Limited, AECOM Asia Company Limited and Environ Hong Kong Limited |
| Ms Janice W.M. Lai | - having current business dealings with Sun Hung Kai Properties Limited and AECOM Asia Company Limited |
| Professor S.C. Wong | - having current business dealings with AECOM Asia Company Limited |

93. The Committee noted that the applicant had requested for deferment of consideration of the application. As Mr Ivan C.S. Fu, Ms Janice W.M. Lai and Professor S.C. Wong had no involvement in this application, the Committee agreed that they could stay in the meeting but Mr Fu and Ms Lai should refrain from participating in the discussion.

94. The Secretary also reported that the application had been deferred twice for a

total of four months. Since the last deferment, the applicant had submitted further information on revised layout plans, revised development parameters, revised drainage impact assessment, a preliminary archaeological impact assessment and a planter section. On 16.6.2014, the applicant wrote to the Town Planning Board to request for further deferment of the consideration of the application for two months in order to allow time to prepare further information, update relevant plans and technical assessments to address the comments of the concerns Government departments.

95. 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 period of six months had been allowed, no further deferment would be granted unless under very special circumstances.

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/85 Proposed Shop and Services (Retail Shop) in “Residential (Group B) 1” zone, Shop No. 2 on Basement 2, Grand Pacific Views, Palatial Coast, Tuen Mun, New Territories (TMTL 400)
(RNTPC Paper No. A/TM-SKW/85)

96. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Hutchison Whampoa Limited under which Parknshop

(HK) Limited, the applicant, was a subsidiary company. Mr Fu should be invited to leave the meeting temporarily.

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

97. The Secretary further reported that replacement page 8 of the RNTPC Paper to correct a typo of the suggested approval condition (b) was tabled at the meeting.

Presentation and Question Sessions

98. 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) the proposed shop and services (retail 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 comments on the application;
- (d) during the first three weeks of the statutory publication period, a total of 95 public comments supporting the application were received. The main reasons of supporting the application were the proposed supermarket would bring great benefit to the residents in the neighbourhood including Palatial Coast and Siu Lam Tsuen, as they did not need to travel to Hong Kong Gold Coast, Tuen Mun town centre or Tsuen Wan to buy daily necessities; 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. The supermarket under application was mainly to serve the local residents was small in size and was considered not deviating from the planning intention of the “Residential (Group B)1” zone. The technical concerns

on fire safety and drainage aspects could be addressed by imposing appropriate approval conditions. No adverse visual and environmental impacts were expected. Concerned Government departments had no objection to or no adverse comments on the application.

99. Members had no question on the application.

Deliberation Session

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.6.2018, 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 of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.9.2014;
- (b) in relation to (a) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2014;
- (c) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2014;
- (d) in relation to (c) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2014; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have

effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to note the comments of the Director of Environmental Protection that the applicant should take note of the Water Pollution Control Ordinance requirements;
- (c) to note the comments of the Director of Fire Services that fire safety requirements will be formulated upon receipt of building plans; and
- (d) to note the comments of the Commissioner for Transport that Siu Lam Tsuen Road is not a public road being managed by the Transport Department. The relevant management and maintenance authorities should be consulted to ascertain whether this access road is suitable / adequate to serve the proposed shop or upgrading works are required.”

[The Chairman left the meeting temporarily at this point.]

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/902 Proposed Temporary Vehicle Service Centre for a Period of 3 Years in
“Comprehensive Development Area” zone, Lot 826 S.B RP (Part) in
D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/902)

102. The Secretary reported that replacement pages 12 and 13 of the RNTPC Paper to delete the irrelevant part of the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD)’s comments included in the suggested advisory clause,

were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle service centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. CTP/UD&L, PlanD commented that according to the landscape proposal submitted by the applicant, 11 existing trees would be preserved and three new trees would be proposed within the site. However, the quality and locations of the preserved trees were different on site. Besides, two existing trees planted in the previous application (No. A/YL-HT/696) were found missing. In addition, the tree pits for the three existing trees at grade were too small and the two existing trees planted in movable planters were not acceptable. Should the application be approved, appropriate approval conditions should be imposed. Other concerned Government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. There was no known programme for development of the “Comprehensive Development Area” (“CDA”) zone. Approving the application for a vehicle service centre for a temporary period of three years would not frustrate the long-term planning intention of the “CDA” zone. The use under application was not incompatible with the surrounding uses including vehicle parks, logistics

centre and open storage yards. There was no environmental complaint against the site over the past three years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours and prohibiting vehicle spraying activities were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised developments on site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' to minimise the possible environmental impacts on the adjacent areas. The development was in line with the Town Planning Board Guidelines No. (TPB PG-No.) 13E in that there was no adverse comment from the concerned Government departments. The Committee had approved six previous applications for the temporary public vehicle park use submitted by the same applicant since 2001. Approval of the current application was not in conflict with the Committee's previous decision.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on site during the planning approval period;
- (c) no vehicle spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (d) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2014;
- (f) in relation to (e) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (g) the submission of a run in/out proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 27.12.2014;
- (h) in relation to (g), the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 27.3.2015;
- (i) the submission of a 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 27.12.2014;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.3.2015;
- (k) the submission of a 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 27.12.2014;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2015;

- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2014;
- (n) if the above planning conditions (a), (b), (c), (d) or (f) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (e), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (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.”

106. 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) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without his prior approval. No permission has been given to use and/or occupation of Government land (GL) (about 85m²) included in the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible by a local road (Yu Yip New Road) on GL to connect Ping Ha Road. His office does not provide maintenance works to the track or guarantee right-of-way. Should planning approval be given, the lot owner should note that no structure will be permitted within the site. The

applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as the 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 imposed by LandsD;

- (c) 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;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the run in/out at the access point at Ping Ha Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site with Ping Ha Road;
- (g) to note the comments of the Chief Town Planning Officer/Urban Design

and Landscape, Planning Department that according to the landscape proposal submitted, 11 existing trees would be preserved and three new trees would be proposed within the site. However, the quality and locations of the preserved trees are different on site. Besides, two existing trees planted in the previous application (No. A/YL-HT/696) were found missing. In addition, the tree pits for the three existing trees at grade are too small and the two existing trees planted in movable planters is not acceptable;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire services installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him 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. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant is required to provide justifications to him 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 (not being a New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including site office, rain shelter and warehouse etc. as temporary buildings) are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the 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 Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/331 Renewal of Planning Approval for Temporary "Public Vehicle Park (excluding Container Vehicle)" for a Period of 3 Years in "Village Type Development" zone, Lot 3563 S.C RP (Part) in D.D. 116, Tong Tau Po Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/331)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (excluding container vehicle) 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 adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The application was for a temporary public vehicle park (excluding container vehicle) for a period of three years. According to the District Lands Officer/Yuen Long, Lands Department, there was no Small House application at the site at present. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “Village Type Development” zone. The development under application was considered not incompatible with the surrounding land uses which were generally residential in nature intermixed with vehicle parks, workshop, storage, orchards and fallow agricultural and vacant land. The application was a renewal application which was in line with the Town Planning Board Guidelines No. (TPB PG-No.) No. 34B in that there had been no major change in planning circumstances since the granting of the previous planning permission under Application No. A/YL-TT/286. No environmental complaints concerning the site were received in the past three years. To minimise any possible nuisances, approval conditions restricting the type of vehicles allowed to enter/park on the site, requiring posting notice to indicate the type of vehicle parked and prohibiting workshop activities, as proposed by the applicant, were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised developments on site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses’ to minimise the possible environmental impacts on the adjacent areas.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 5.7.2014 to 4.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations, as proposed by the applicant, is allowed to be parked/stored on site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site at all times to indicate that no medium or heavy good vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (d) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicles onto public road are allowed at any time during the planning approval period;
- (f) the existing vegetation on the site should be maintained at all times 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 record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 5.10.2014;
- (i) 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;
- (j) if the above planning condition (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is accessible to Tai Shu Ha Road East via an informal village track on Government land (GL) and other private lot. LandsD does not provide maintenance works on this GL nor guarantee the right-of-way. The information provided in the application indicates that no structure is proposed within the site. The applicant is required to apply to LandsD to permit structures to be erected or regularize any irregularities on such. 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 approval is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD;

- (b) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority and the management and maintenance responsibilities of the same road/path/track should be clarified. The relevant lands and maintenance authorities should be consulted accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles;
- (c) 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 is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Tai Shu Ha Road East; and
- (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 adopt environmental mitigation measures to minimise any possible environmental nuisances.”

[The Chairman returned to join the meeting at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/683 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle with Ancillary Site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 1497 (Part) and 1499 (Part) in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/683)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car and light goods vehicle with ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) commented that there was one substantiated environmental complaint about effluent discharge from the site received in 2013. However, the problem was rectified. As there was no sign of pollution to nearby environment or stream, no further action was taken. Concerned Government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited and a member of the public objecting to the application were received. The main grounds of objection were the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, it would worsen the traffic situation in the area and the continued renewal of temporary uses might frustrate the long-term planning intention of the “R(D)” zone; 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. Approval of the application on a temporary basis would not frustrate the planning intention of the “R(D)” zone. The proposed development was not incompatible with the surrounding land uses which comprised a mix of storage/open storage yards, warehouse, cultivated/vacant land, fish ponds and scattered residential structures. Although DEP advised that there was one substantiated environmental complaint concerning effluent discharge from the site in 2013, there was no sign of pollution to nearby environment

or stream after the problem had been rectified and no further action was taken by his Department. Regarding the public comments against the application, it was noted that relevant Government departments including the Transport Department and the Environmental Protection Department had no objection to or no adverse comments on the application.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no vehicle 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;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site at all times to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed to be parked on the site during the planning approval period;
- (e) no open storage activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (f) no repairing, dismantling, cleansing, or other workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (g) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;
- (h) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2014;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2014;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.3.2015;
- (k) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby

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

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

114. 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 should 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) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 guard room, ancillary site office and meter room. The owner(s) concerned will need to apply to his office to permit structures to be erected or regularize any

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

- (e) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Long Hon Road should be checked with the Lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Tong Yan San Tsuen Interchange;
- (g) 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 minimize any potential environmental nuisances;
- (h) 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 water pollution control measures to avoid affecting the nearby farmland, ponds and watercourse;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that an arithmetical error in calculating the difference

in Land Datum is noted at the Annex 1.3 of Appendix Ia of the Paper - "Drainage calculation for the proposed provision of drainage facilities at application site". For the submitted drainage plan (Drawing A-4 of the Paper), the sizes of the proposed catchpits and the details of the connection with the existing open drain should be shown on the proposed drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing open drain would not be adversely affected by the proposed development. Catchpit should be provided at location where the surface channel changes direction. It is preferred to use stormwater drain outside the site boundary to the existing open drain. The location and details of the proposed hoarding should be shown on the proposed drainage plan. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction;

- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. 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 jurisdictions to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) 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 House, they are unauthorized under the BO and should not be

designated for any use under the application. Before any new building works (including site office and guard room as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized 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; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplies 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 diver 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 33

Section 16 Application

[Open Meeting]

A/YL-TYST/684 Temporary Warehouse for Storage of Home Appliance and Furniture and Ancillary Site Office for a Period of 3 Years in “Undetermined” zone, Lots 744 S.A, 744 S.B, 747 (Part), 750, 751, 752 (Part), 753 (Part), 754 (Part), 755, 756 and 757 in D.D 117 and Adjoining Government Land, Kung Um Road, Yuen Long, New Territories (RNTPC Paper No. A/YL-TYST/684)

115. The Secretary reported that the applicant requested on 5.6.2014 for deferment of the consideration of the application for one month in order to allow time to prepare further information to respond to departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 34

Section 16 Application

[Open Meeting]

A/YL-TYST/685 Proposed Minor Relaxation of Plot Ratio (from 1 to 1.998) and Site Coverage (from 40% to 96.38%) for permitted House Use in “Residential (Group B) 1” zone, Lot 1827 in D.D. 121, Sha Tseng Tsuen, Ping Shan Heung, Yuen Long
(RNTPC Paper No. A/YL-TYST/685)

117. The Secretary reported that the applicant requested on 11.6.2014 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments of the Planning Department. This was the first time that the applicant requested for deferment.

118. 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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/686 Temporary Open Storage of Construction Machinery and Construction Materials with Ancillary Repair Workshop and Office for a Period of 3 Years in “Undetermined” zone, Lots 2418 (Part), 2420, 2421, 2740 RP, 2741, 2742, 2744, 2745 S.A, 2745 S.B, 2746, 2747, 2748 (Part) in D.D. 120 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/686)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction machinery and construction materials with ancillary repair workshop and office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures located to the immediate northeast, west and south of the site and environmental nuisance was expected. Other concerned Government departments had no objection to or no adverse comments on the application. According to the Project Manager (New Territories North and West), Civil Engineering and Development Department, the site fell within the “Potential Development Area” (PDA) of the Planning and Engineering Study for Housing Sites in Yuen Long South - Investigation (the Study). The Study commenced in November 2012 and was scheduled for completion in 2015. Land uses of the PDA were being reviewed;

- (d) during the first three weeks of the statutory publication period, one public comment was received. The public comment stated that the provision of boundary fence at the site periphery might block the existing local track to the adjacent residential buildings, and raised concerns on the potential environmental and drainage impacts of the area; 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. The applied use was not in conflict with the planning intention of the “Undetermined” (“U”) zone which was generally intended for open storage use. Although the use of the area was now being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the Study would be completed in 2015. Approval of the application on a temporary basis would not frustrate the long-term use of the area. The development under application was not incompatible with the surrounding uses in the subject “U” zone which comprised mainly open storage yards and workshops. The application was generally in line with Town Planning Board Guidelines No. (TPB PG-No.) 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses. Although DEP did not support the application as there were sensitive receivers of residential use in the vicinity of the site and environmental nuisance was expected, there had been no environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours and the use of heavy goods vehicles and container trailers/tractors, prohibiting handling/storage of electrical appliances and electronic waste, and requiring the provision of boundary fence on the site were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on the site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ in order to minimize any potential environmental impact and to keep the site

clean and tidy at all times. Other concerned Government departments had no objection to or no adverse comments on the application. To address the public concerns, the applicant undertook to allow access for the residents at the adjoining “Village Type Development” zone via the site during the operation hours (i.e. 7:00 am to 7:00 pm from Mondays to Saturdays). In this regard, the Transport Department had no objection to or no adverse comment on the application.

120. Members had no question on the application.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 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 heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicle onto public road are allowed at any time during the planning approval period;

- (f) the provision of boundary fence on the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2014;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.12.2014;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.3.2015;
- (i) 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 27.12.2014;
- (j) in relation to (i) 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 27.3.2015;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2014;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.3.2015;
- (n) 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;

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

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

- “(a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) 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 office, common room and storage of metal goods uses. No permission has been given for the occupation of the Government land (GL) within the site. The lots under application were covered by permits issued by his office to the respective lot owners for the erection and maintenance of agricultural structures. Change of use of the lot will cause a breach of the terms of the permits concerned. If these structures are converted for non-agricultural purposes, his office will arrange to terminate these permits as appropriate. The owner(s) concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore,

the applicant has to either exclude the GL portion of the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on private lots and GL extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (d) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) 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;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that locations and numbers of the existing trees as shown on the submitted tree preservation and landscape plan (Drawing A-3 of the Paper) do not tally with the actual situation as observed. Moreover, stored materials or debris are found stacked around

bases of tree trunks that should be removed and kept minimum 1m away from the tree trunks;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location 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 the Paper should be adhered to. 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. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-4 of the Paper) that the sizes of the proposed catchpits and the details of the connection with the public culvert should be shown on the proposed drainage plan. Catchpit should be provided at the turning points along the proposed 450mm u-channels. The location and details of the proposed hoarding should be shown on the proposed drainage plan. The routing of the existing/proposed drainage outside the site to the public culvert should be clearly shown on the proposed drainage plan. DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction;
- (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 House), they are unauthorised under the BO and should not be designated for any 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 Building Authority (BA) should be obtained, otherwise they are Unauthorized 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; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and 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 supplies 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 diver the underground cable (and/or overhead line) away from the vicinity of the

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

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

Agenda Item 36

Any Other Business

123. There being no other business, the meeting closed at 6:15 p.m..