

TOWN PLANNING BOARD

**Minutes of 514th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 11.7.2014**

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Dr C.P. Lau

Mr F.C. Chan

Ms Anita W.T. Ma

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Chief Traffic Engineer/New Territories West,
Transport Department
Mr W.C. Luk

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

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

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

Professor Eddie C.M. Hui

Ms Christina M. Lee

Dr Eugene K.K. Chan

Dr W.K. Yau

In Attendance

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

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

Town Planner/Town Planning Board
Miss Hannah H.N. Yick

Agenda Item 1

Confirmation of the Draft Minutes of the 513th RNTPC Meeting held on 27.6.2014

[Open Meeting]

1. A Member suggested that the fourth sentence in paragraph 17 of the draft minutes of the 513th RNTPC meeting held on 27.6.2014 should be revised to better reflect discussion at the meeting. The Secretary proposed to amend the sentence to read :

“This Member also considered that the suggested rejection reasons (b) and (c) might ~~be too defensive~~ *need to be revised to better reflect the Committee’s concern.*”

Members agreed to the proposed amendments and that the minutes should be confirmed with the proposed amendments incorporated.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Amendments to Confirmed Minutes of 508th RNTPC meeting held on 4.4.2014

2. The Secretary reported that on 4.4.2014, the Committee approved a section 16 application No. A/YL-TYST/671. The minutes were confirmed at the meeting on 25.4.2014 and sent to the applicant on the same date. Subsequently, it was found that the numbering of the approval conditions were wrong. For rectification, it was proposed that the numbering of the relevant approval conditions for the subject application should be revised as marked on the replacement pages (pages 264 to 266) of the minutes sent to Members on 10.7.2014. Members agreed to the proposed amendments and that the revised minutes and revised letter of approval should be sent to the applicant after the meeting.

[Ms Anita K.F. Lam arrived to join the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

Section 16 Application

[Open Meeting]

A/SK-PK/212

Proposed Temporary Shop and Services (Retail Shop, Car Washing and Waxing Service) with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lot No. 579RP in D.D. 217, Tai Chung Hau Road Track, Sai Kung

(RNTPC Paper No. A/SK-PK/212)

3. The Committee noted that the applicant requested on 26.6.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

4. 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.

Sha Tin, Tai Po and North District

Agenda Item 4

Section 16 Application

[Open Meeting]

A/NE-STK/3 Temporary Public Vehicle Park for Coaches, Light Goods Vehicles and Private Cars for a Period of 3 Years in “Recreation” zone, Lot 152 S.B RP in D.D. 40, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/3)

5. The Committee noted that the applicant requested on 25.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

6. 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.

[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 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/476 Temporary Warehouse for Storage of Cables with Ancillary Workshop for a Period of 3 Years in “Open Storage” Zone and an area shown as ‘Road’, Lot 1552 S.A ss.3 (Part) in D.D. 77, Ping Che
(RNTPC Paper No. A/NE-TKL/476)

Presentation and Question Sessions

7. 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) temporary warehouse for storage of cables with ancillary workshop for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the application site, the closest one being located at about 40m to the south of the site. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council (NDC) member who indicated no comment on the application. The District Officer (North) advised that the Vice-Chairman of the Ta Kwu Ling District Rural Committee, the incumbent NDC member, the Indigenous Inhabitants Representative and Residents’ Representative of Ping Che had no comment on the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of cables with ancillary workshop could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. As regards DEP's comments of not supporting the application, the operation of the warehouse and ancillary workshop activities would be carried out within the enclosed warehouse structure which would reduce the possible noise impact on the surrounding areas. No environmental complaint concerning the site had been received in the past three years. To address DEP's concern, approval conditions restricting the operation hours and not allowing operation on Sundays and public holidays were recommended.

8. Members had no question on the application.

[Mr W.C. Luk arrived to join the meeting at this point.]

Deliberation Session

9. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:30 p.m. and 8:30 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the Site during the planning approval period;
- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked/stored on or enter/exit the Site at any time during the planning approval period;

- (d) the peripheral fencing shall be maintained at all times during the planning approval period;
- (e) the maintenance of all existing trees within the Site in good condition at all times during the planning approval period;
- (f) the submission of a layout plan showing the car parking, loading/unloading and manoeuvring space arrangement within the Site within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 11.1.2015;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.1.2015;
- (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 11.4.2015;
- (i) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.1.2015;
- (j) in relation to (i) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 11.4.2015;
- (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.”

10. 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) the permission is given to the use/development under application. It does not condone any other use/development which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use/development not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owner of the lot should apply to his office for a Short Term Waiver (STW) for the proposed structures. There is no guarantee that STW will be granted to the applicant. If the STW is granted, the grant will be subject to such terms and conditions to be imposed including the payment of STW fee;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Ping Che Road to the Site is not maintained by HyD;
- (e) to note the comments of the Director of Fire Services as follows:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the Site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralised Processing System of Buildings Department (BD), the tenant is required to send the relevant layout plans to the Fire Services Department incorporated with the proposed FSIs for

approval. In preparing the submission, the applicant shall note that:

- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to provide such FSIs according to the approved proposal subsequently;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows:
- (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the Site is located within the flood pumping gathering ground;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
- (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;

- (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the Site, prior approval and consent from BD should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) for Unauthorised Building Works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;
- (iv) in connection with (ii) above, the Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and
- (v) if the Site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under the B(P)R 19(3) at the building plan submission stage; and
- (h) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances."

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

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/ST-KYS/9 Proposed House (Redevelopment of House) in “Conservation Area”
Zone, Lots No. 415 SA, 415 SB and 415 RP in D.D. 192, Kwun Yam
Shan Village, Sha Tin
(RNTPC Paper No. A/ST-KYS/9)

11. The Committee noted that the applicant requested on 27.6.2014 for deferment of the consideration of the application for one month in order to allow time for preparation of further information to address departmental comments. This was the second time that the applicant requested for deferment.

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

Agenda Items 7 to 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/471 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 315 S.G in
D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/471 to 473)

A/NE-KLH/472 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 315 S.F in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/471 to 473)

A/NE-KLH/473 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 315 S.E in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/471 to 473)

13. As the three applications were similar in nature and the application sites were close to one another, the Committee agreed that the three cases should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for rehabilitation for agricultural activities. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received, objecting to the applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “Agriculture” (“AGR”) zone and could have cumulative impacts on the surrounding areas; no assessment on environment, traffic,

drainage and sewage impacts had been provided; as some landscape changes were observed in 2007, the developments might be involved in “destroy first, build later” activities. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. Each application site formed part of the previous planning application (No. A/NE-KLH/397) submitted by the same applicants under the current applications. The previous application was approved by the Committee on 23.4.2010 and the planning permission subsequently lapsed on 23.4.2014. Compared with the previous application, the current proposals had no change in terms of the disposition, site area and gross floor area of the proposed Small Houses. As regards DAFC’s comment of not supporting the applications and the public commenters’ concern that the proposed Small Houses were not in line with the planning intention of the sites, the proposed Small Houses were not incompatible with the surrounding environment which was rural in character and consisted of mainly village houses and fallow agricultural land. According to the District Lands Officer/Tai Po (DLO/TP)’s record, the total number of outstanding Small House applications for the Yuen Leng, Kau Lung Hang Lo Wai and San Wai was 154 while the 10-year Small House demand forecasts for the same villages was 290. From the latest estimate by PlanD, about 7.11 ha (or equivalent to about 284 Small House sites) of land was available within the “V” zone of Yuen Leng, Kau Lung Hang Lo Wai and San Wai. Therefore, the land available could not fully meet the future Small House demand of about 11.10 ha (or equivalent to about 444 Small House sites). The applications were generally in line with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that the proposed Small House footprints fell entirely within the village ‘environs’; 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; and the proposed Small Houses within Water Gathering Ground (WGG) would be

able to be connected to the planned public sewerage system. There had been no major change in planning circumstances since the approval of the previous application (No. A/NE-KLH/397) in 2010. Sympathetic consideration could be given to the current applications. On the public commenters' concerns on the environmental impact and sewage impact, the sites were located within WGG and adjacent to the planned public sewerage system which was scheduled for completion in 2017. The Environmental Protection Department and the Water Supplies Department had no objection to the applications. For the concerns on traffic and drainage aspects, Transport Department and Drainage Services Department (DSD) had no adverse comments on the applications. Regarding the commenter's concern on the change in landscape in the area, the sites were not the subject of any active enforcement case.

15. Noting that the total number of outstanding Small House applications of the concerned villages were 154 while the 10-year Small House demand forecast was 290 and there were about 284 Small House sites within the "V" zone, which implied that about 130 sites were still available for future Small House demand, a Member asked why the proposed Small Houses had to extend to the "AGR" zone. With the aid of an aerial photo, Mr C.T. Lau showed that the location of sites that Small House applications were being processed by Lands Department (LandsD). Although the photo showed that there was still vacant land within the "V" zone, these areas might not be available as some Small House applications not yet processed by LandsD were not shown on the photo.

16. In response to the same Member's query on land within the "V" zone to cater for additional Small House development and the Chairman's query on previous applications of the application sites, Mr C.T. Lau responded that based on the latest estimate by PlanD, about 7.11 ha (or equivalent to about 284 Small House sites) of land was available within the "V" zones of Yuen Leng, Kau Lung Hang Lo Wai and San Wai which were spread at different locations. The Small House sites shown in the aerial photo only involved private land being processed by LandsD. Small House applications on government land which might require longer processing time were not shown in the photo. Regarding previous applications of the application sites, a planning application involving three Small Houses were approved by the Committee previously, but the approval lapsed on 23.4.2014. Under the current applications,

each Small House was covered by one planning application.

Deliberation Session

17. A Member considered that there was still land available within the “V” zone for Small House development. With reference to the aerial photo and Plan A-2 of the Paper, many previously approved Small Houses had not been built. Considering the remaining land within the “V” zone and the Small House applications under processing, it was unjustifiable to extend Small House development outside the “V” zone. However, it was noted that a planning application for three Small Houses at the subject sites had been approved by the Committee previously. Another Member said that the current application should be considered as a fresh application as the applicant had not commenced the Small House development under the previous planning permission and the planning permission had lapsed already.

18. A Member said that the current application should be processed based on the Interim Criteria. However, as revealed in the discussion of similar applications in recent Committee meetings, Members were concerned with extending Small House development outside the “V” zone while land was apparently still available within the “V” zone. The Committee should send out a clear message to the public that Small House development should be confined to “V” zone as far as possible. Moreover, the Interim Criteria would be followed to provide a basis for the Committee to consider planning applications on Small House development.

19. In response to two Members’ concern on the reasons why Small Houses with planning permissions had not been implemented, Ms Anita K.F. Lam said that it might be due to the time required for processing approval of the Small House or the holding up of formal binding offer of the building licence document pending the completion of public sewerage project within the WGG to avoid pollution. For the subject applications, approval-in-principle for the Small House applications were given by LandsD on 13.3.2014. However, the building licence documents would only be executed nearer the completion of the public sewerage project in Kau Lung Hang. Hence, the timing of the actual construction of the Small Houses might be out of the control of the applicants in the subject applications.

20. The Chairman stated that for applications that had been approved previously, it was the practice of the Committee to approve such applications if there was no change in planning circumstances. For the subject applications, formal execution of the building licence documents of the Small House concerned were held up as the Government had not completed the sewerage project in the area, which was outside the control of the applicants. As regards the Interim Criteria, more information on whether land was available within “V” zone should be provided to facilitate consideration of planning applications for Small House. In the recent meetings, the Committee had been more stringent in considering applications for Small House, especially those sites falling within “Green Belt” zone. This had been made known to the public by its decision to defer or reject such applications. For future applications, if there was still much land within the “V” zone for Small House development, the Committee would be more stringent in considering those applications. Relevant government departments should take into account the view of the Committee when preparing the relevant assessment of the application. More justifications would be required for those kind of cases if approval of the cases were recommended.

21. A Member asked what the weighting of the previous approval would be in the consideration of a fresh application and whether there were any criteria in considering those kind of applications. The Chairman responded that each case should be considered on its own merits. For the subject applications, LandsD had given approval-in-principle for the concerned Small Houses and the issue of the formal building licence documents were pending the completion of the public sewerage project. The applicants could not implement the Small Houses within the validity period of the planning permissions previously given by the Committee as the Government had not yet completed the sewerage project. Hence, sympathetic consideration could be given to the applications. The same Member expressed that as the applicants could not implement the previously approved application due to certain reason that was out of their control, they might have a legitimate expectation that the Committee would approve their subject applications. If the Committee did not approve their applications, it was possible that the applicants might instigate legal action.

22. The Secretary supplemented that according to the past practice of the Committee, the major consideration of the Committee to consider applications which involved previous applications that were lapsed was whether there was any change of planning circumstances. What constituted a change of planning circumstances would depend on the circumstances of

each individual case. There had been some discussion on making reference to the Interim Criteria in consideration of planning applications for Small House in the recent meetings of the Committee. To briefly recap, whether there was sufficient land within the “V” zone to meet the Small House demand was one of the criteria to consider applications for Small House. The assessment was made on the basis of three sets of figures, including the number of outstanding Small House applications, the 10-year Small House demand forecast and the amount of land available within the “V” zone. Given the recent concern raised by Members, more information might be required on the amount of land that was still available within the “V” zone to meet the Small House demand. Such information should include whether land available within the “V” zone was committed or involved in any Small House application under processing by LandsD. If Members considered such information was important, government departments would be requested to help provide such information to facilitate the Committee’s consideration of applications for Small House development.

23. A Member said that if the subject applications were new cases with no previous approval, according to the Committee’s recent concern on extending Small House development outside “V” zone when land was still available within the “V” zone, the applications might not be approved. If the applicants of the subject applications applied for extension of time (EOT) for the previous permission, the Committee could be more sympathetic in the consideration of such applications. However, as the applicants did not apply for EOT, but rather submitted fresh applications after the expiry of the validity period, the applications should be considered as fresh applications. The Chairman responded that the Committee should handle applications with previous approvals in a consistent manner. Members should consider whether there was any change of planning circumstances, whether the applicant had made genuine effort to implement the development and the reason for the lapse of the permission. Ms Anita K.F. Lam supplemented that LandsD would process Small House applications in sequence and in accordance with a set of established criteria for Small Houses. For cases falling within WGG, there was an inter-departmental agreement that if the Government would construct public sewers in the area, LandsD would process the applications up to the approval-in-principle stage. A written approval-in-principle would be issued to the applicant first whilst the formal approval letter for allowing the Small House would only be issued in about one year before the completion of the public sewers. According to the comments of DLO/TP in Appendix V of the Paper, approval-in-principle for the Small House development in the subject applications had been given. DLO/TP had also

indicated in his comment that “there must be a valid planning permission at the time of execution of the land grant document.” Depending on the exact wordings of the approval-in-principle letter, there might be legal commitment on the part of the Government. If the Committee did not approve the applications and the formal approval of the Small Houses was subsequently not given, the applicants might have a legal basis to claim the Government.

24. In response to a Member’s enquiries, the Chairman responded that an approval condition regarding connection of the foul water drainage system to the public sewers had been imposed on the previous planning approval. In the current applications, there was a clear completion date of the public sewers in the area and hence DSD had no objection to the applications.

25. The Vice-chairman opined that the continuity and consistency of the Committee in making decisions should be maintained. If there was no significant change in planning circumstances, the decisions of the Committee with regard to previous applications should be respected. Since the applications had been approved previously and there might be reasons which were beyond the control of the applicants for not implementing the Small Houses within the validity period of the planning permission, the Committee should give sympathetic consideration to the applications. For new applications, the Committee could consider the applications having full regard to the Committee’s recent concern on extending Small House development outside “V” zone.

26. A Member shared the view of the Vice-chairman and considered that the subject applications could be approved. However, a shorter validity period might be considered to ensure that planning permissions would be timely implemented to satisfy the applicants’ genuine housing need. This Member also raised the concern on how the Committee’s concern on extending Small House development outside “V” zone could be promulgated to the public.

27. Another Member was of the view that the Committee had all along been considering planning applications on Small House based on the Interim Criteria and had not deviated from the Interim Criteria. To assess whether there was sufficient land within the “V” zone to meet the Small House demand, the 10-year demand forecast might not be fully

relevant and the outstanding number of Small House applications might provide a more realistic picture on Small House demand. PlanD should provide more information on land within the “V” zone which was under Small House applications to facilitate the Committee’s consideration of planning applications on Small House. In the subject applications, since approval-in-principle to the concerned Small Houses had already been given by LandsD, unless there was other special reason, the subject applications should be approved. This Member asked whether the Government had reminded the applicants to apply for EOT before the expiry of the planning permissions. The Chairman responded that it was the responsibility of the applicants to apply for EOT before the expiry of the planning permissions.

28. A Member asked whether there was any fixed approval period for this kind of application. As regards the suggestion of giving a shorter validity period, consideration should be given to the anticipated completion date of the public sewers in the area. The Chairman responded that the Town Planning Board had delegated the authority to approve the EOT application to the Director of Planning (D of Plan). Given the circumstances in the subject applications that implementation of the proposed Small Houses were pending the completion of the public sewers in the area and approval-in-principle had been given by LandsD to the concerned Small Houses already, D of Plan would normally approve the EOT and the validity period of the EOT would not be longer than the original planning approval period of four years. According to Appendix V of the Paper, DLO/TP advised that approval-in-principle for the Small House applications had been given by his office on 13.3.2014. Having noted that the concerned sewerage project was commenced in 2012 for completion in 2017 based on the information provided by Drainage Services Department, the Chairman considered that the normal four-year validity period should be given in view of the possible programme slippage and the time required for the formal execution of the building licence document of the concerned Small Houses. Members agreed.

29. A Member said that the Committee’s recent concern on Small House development being extended to areas outside “V” zone was not a spontaneous act but a result of long time observation. In particular, during the consideration of the representations in respect of the So Lo Pun, Hoi Ha and Pak Lap Outline Zoning Plans, it was observed that the 10-year Small House demand might not be a reliable figure for the Board to adopt in the assessment of whether sufficient land had been reserved within the “V” zone. The

Chairman agreed that PlanD should provide more information in addition to the number of outstanding Small House applications, the 10-year Small House demand forecast and the estimated land available within the “V” zone. To provide more information on the land still available within the “V” zone, a plan showing the amount of land within the “V” zone with Small House applications approved or being processed by LandsD should be provided for the consideration of the Committee. In this regard, the Chairman informed Members that PlanD had been liaising with LandsD to obtain the necessary information regarding Small House development within “V” zone and he urged the two departments to step up their efforts to provide such information. As regards the Committee’s recent concern on Small House development outside “V” zone, the Secretary might need to consider how best such concern of the Committee could be conveyed to the public. The Secretary responded that the information as requested by the Committee would be included in the relevant Papers for the consideration of the Committee and the Committee’s deliberation would be recorded in the minutes. Both the Committee’s Papers and the minutes of meeting would be accessible by the public. The Chairman requested the Secretariat to explore other appropriate means to better convey the Committee’s concern to the public.

30. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each of the permissions should be valid until 11.7.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

- “(a) the submission and implementation of 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.”

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

- “(a) to note the Director of Environmental Protection’s comment that the actual construction of the proposed Small House shall only begin after the completion of the public sewerage network and that adequate land is reserved for future connection work; Lands Department (LandsD) to confirm the legal proof for the access rights to the relevant private and government land lots to proceed with the sewer connection work; the applicant shall connect the house to the future public sewer at his own cost and take up full ownership and maintenance responsibility for the sewerage connection system;

- (b) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the proposed development should have their own stormwater collections and discharge systems to cater for the runoff generated within the site; and overland flow from surrounding of the site, e.g. surface channel of sufficient size along the perimeter of the site, sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if any boundary wall/fence are to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system. For works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners should be sought;

- (c) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments 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 (NTEH)/Small House to the planned sewerage system via relevant private lots; and
 - (ii) the whole of foul effluent from the proposed NTEH/Small House shall be conveyed through cast iron pipe or other material with sealed joints and hatchboxes; the proposed NTEH/Small House is less than 30m from the nearest watercourse, it should be located as far away from the watercourse as possible. 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 Director of Fire Services' comments that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/508 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” and “Village Type Development” zones, Lot 1535 S.B in
 D.D. 8, San Tong Village, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/508)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Tai Po (DLO/TP) did not support the application as more than 50% of the proposed Small House fell outside the village ‘environs’ (VE) of San Tong. The Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2), WSD) objected to the application as the majority of the site was located outside the VE and “Village Type Development” (“V”) zone and compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) could not be established. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received, objecting to the application mainly on the grounds of not in line with the planning intention of the “Agriculture”

(“AGR”) zone, potential sewerage impact, no proper provision of parking and proper access in villages and lack of impact assessments on traffic and environmental aspects in the application. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The Site fell partly within the “V” zone (about 19%) and partly within the “AGR” zone (about 81%). The proposed Small House development was not in line with the planning intention of the “AGR” zone, which was primarily to retain and safeguard good quality agricultural land for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. Nevertheless, the Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site had low potential for rehabilitation of agricultural activities. The applicant was an indigenous villager of Tin Liu Ha and the application was a cross-village Small House application within the same Heung. According to DLO/TP’s record, the total number of outstanding Small House applications for San Tong was 15 while no 10-year Small House demand forecast was provided by the Indigenous Inhabitant Representative of San Tong. Based on the latest estimate of PlanD, about 1.57 ha (or equivalent to about 62 Small House sites) of land were available within the “V” zone. Therefore, there was sufficient land available to meet the future Small House demand in San Tong. DLO/TP did not support the application as more than 50% of the proposed Small House footprint fell outside the VE of San Tong. The Site fell within the Water Gathering Ground. The proposed Small House did not comply with the Interim Criteria as more than 50% of the proposed Small House footprint fell outside both the “V” zone and the VE and there was no general shortage of land in meeting the future demand for Small House development in the “V” zone of San Tong. CE/Dev(2), WSD objected to the application as the proposed development was not in compliance with the Interim Criteria. The applicant had also not provided any justifications in support of his application and failed to demonstrate in

the submission why suitable site within areas zoned “V” could not be made available for the proposed development. Two similar applications (No. A/NE-LT/295 and 476) were approved by the Committee on sympathetic grounds in 2003 and 2013 respectively but both applications had more than 50% of the Small House footprints within the “V” zone and VE. It was considered that the current application, with only 8% of its Small House footprint within “V” zone and VE and no general shortage of land in the “V” zone in meeting the demand for Small House development, did not warrant the same sympathetic consideration of the approved applications.

33. Members had no question on the application.

Deliberation Session

34. 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 does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that more than 50% of the footprint of the proposed Small House falls outside the “Village Type Development” (“V”) zone and the village ‘environs’ of San Tong and there is not a general shortage of land in meeting the demand for Small House development in the “V” zone of San Tong; and
- (b) there is land available within the “V” zone of San Tong for Small House development. The applicant fails to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/509 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lots 672 S.H, 673 R.P. and 674 S.A in D.D. 15,
 Shan Liu, Tai Po
 (RNTPC Paper No. A/NE-TK/509)

Presentation and Question Sessions

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

- (a) background to the application;

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Tai Po (DLO/TP) did not support the application as less than 50% of the footprint of the proposed Small House fell within the village ‘environs’ (VE) of Shan Liu Village. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect Water Gathering Ground (WGG) and did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that about 75% of the site fell outside the VE of Shan Liu Village. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received, objecting to the application mainly on the reasons that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone and would cause cumulative adverse impacts on access road, parking and water quality of the area; no impact assessment for traffic or environment had been provided; and the history of the site should be investigated. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The DAFC did not support the application from agricultural point of view as the site had high potential for rehabilitation of agricultural activities. While the site was located within the lower indirect WGG, the proposed Small House could be connected to the public sewerage system in the area via private lots. CE/Dev(2), WSD, however, objected to the application as the proposed development did not comply with the Interim Criteria in that less than 50% of the proposed Small House footprint fell within the VE of Shan Liu Village. According to the DLO/TP’s record, the total number of outstanding Small House applications for Shan Liu Village was 45 while the 10-year Small House demand forecast for the same village was 250. Based on the latest estimate by the PlanD, about 0.41 ha (or equivalent to about 16 Small House sites) of land was available within the “Village Type Development” (“V”) zone of Shan Liu. Therefore, the land available could not fully meet the future Small House demand of about 7.38 ha (or equivalent to about 295 Small House sites). Although there was a general shortage of land within the “V” zone of Shan Liu Village and the proposed development would be able to be connected to public sewerage, the proposed development did not comply with the Interim Criteria in that less than 50% of the Small House footprint fell within VE. DLO/TP did not

support the application for the same reason. A previous Application No. A/NE-TK/462 was rejected by the Committee for not complying with the Interim Criteria in that less than 50% of the proposed Small House footprint fell within VE. There was no strong planning justification in the submission to warrant a departure of the Committee's decision on the previous rejected application. Approval of the application would set an undesirable precedent for similar applications within the "AGR" zone.

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper 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 the New Territories in that less than 50% of the proposed Small House footprint falls within the village 'environs'."

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/510 Proposed House (New Territories Exempted House - Small House) in
"Agriculture" zone, Lots 646 S.I ss.2, 646 S.J ss.2, 646 S.K ss.1, 652
S.C ss.1 and 652 S.G ss.1 in D.D. 15, Shan Liu, Tai Po
(RNTPC Paper No. A/NE-TK/510)

Presentation and Question Sessions

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

aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House)
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the application site had high potential for rehabilitation of agricultural activities. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received, objecting to the application mainly for the reasons that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and would cause cumulative adverse impacts on access road, parking and water quality of the area; no impact assessment for traffic or environment had been submitted; and the history of the site should be investigated. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. As regards DAFC’s comment of not supporting the application and the adverse public comments on not in line with the planning intention, the application site was a piece of abandoned agricultural land covered with weeds. Significant adverse impact on the existing landscape resources within the site was not anticipated. The proposed Small House development was not incompatible with the surrounding rural environment. The Site was the subject of two previous Applications No. A/NE-TK/349 and 422 approved with conditions by the Committee mainly on the consideration that they complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than

50% of the proposed Small House footprint fell within village 'environs' (VE). For the current application, more than 50% of the site and Small House footprint fell within the VE. Compared with the latest approved application, the site boundary and setting of the proposed Small House development had been slightly shifted to the west. As there was no significant change in planning circumstances since the previous applications were approved, the current application could warrant similar consideration as the previously approved applications. For the impact on environment and water quality, the proposed Small House could be connected to the public sewerage system in the area via private lots. The owner's consent for sewage pipe passing through the concerned lot had been obtained by the applicant. Environmental Protection Department and Water Supplies Department (WSD) had no objection to the application. As regards traffic impact, Transport Department considered that the subject application involving the construction of a Small House only could be tolerated. Regarding the commenter's concern on the history of the site, the site was not the subject of any active enforcement case.

39. Members had no question on the application.

Deliberation Session

40. The Vice-chairman considered that this application could be approved as it had been approved by the Committee previously. However, with reference to section 10 of the Paper, it was observed that Shan Liu Village was a small village and land within the "Village Type Development" ("V") zone for Small House development was limited, therefore, there was insufficient land within the "V" zone for Small House development. He considered that Small House development in the village should be expanded gradually outwards from its centre. From Plan A-1 of the Paper, the VE of Shan Liu Village was quite extensive and many planning applications on Small House were concentrated at the periphery of the VE. From the aerial photo in Plan A-3 of the Paper, there was much vacant flat land within the "V" zone, but the planning applications for Small House development were mostly at the fringe of VE. If all applications for Small House along the periphery of the VE were approved, land within the VE would become a huge land reserve for Small House

development. It was anticipated that Shan Liu Village would soon be expanded to cover the whole VE.

41. In response to the Chairman's enquiry, Mr C.T. Lau replied that PlanD had proposed to expand the "V" zone of Shan Liu Village in 2012 as there was insufficient land within the "V" zone to cater for the long-term demand of Small House. The proposed "V" zone extension was demarcated by following the separation line of Upper Indirect WGG and Lower Indirect WGG. As shown on Plan A-2a of the Paper, there was only 0.41 ha of land within the existing "V" zone. The woodland and steep slopes located at the northern part of the "V" zone were not suitable for Small House development. Although there was a large piece of vacant flat land in the area, many approved Small Houses had not been built pending the completion of the public sewers in the area as the area was within WGG. A number of Small House applications in the area were being handled by the Lands Department (LandsD) currently.

42. In response to a Member's enquiry on the availability of land for Small House development within the "V" zone, Mr C.T. Lau further explained that PlanD only had information of proposed Small Houses on private land as shown in the aerial photo. For Small Houses on government land which were being processed by LandsD or private land owned by Tso Tong which could not be sold to private party, he had no such information in hand. In response to the Chairman's enquiry, Mr Lau informed that the public sewerage system in the area had been completed. After the execution of the formal land grant documents of the Small Houses in the area, those Small Houses would be constructed in due course.

43. The Chairman asked why the proposed "V" zone extension agreed by the Committee previously had not yet been reflected on the Outline Zoning Plan. Mr. C.T. Lau responded that PlanD had consulted the Tai Po Rural Committee and the village representatives of Shan Liu Village on the proposed "V" zone extension. However, WSD had received an alternative proposal of the "V" zone extension submitted by the Indigenous Inhabitants Representative (IIR) of the Shan Liu Village in May 2014 and was now considering the proposal. At the request of the IIR of Shan Liu Village, the proposed "V" zone extension would be submitted together with the views from WSD on the alternative proposal to the Committee for consideration.

44. The Vice-chairman opined that from the planning perspective, it was agreed that the “V” zone should be expanded to cater for Small House demand if there was insufficient land within the existing “V” zone, so that there was no need for the villagers to apply for planning permission for Small Houses.

45. The Chairman said that as there were many planning applications for Small Houses in the Shan Liu area, PlanD should provide more information on land availability within the “V” zone in future cases to facilitate the Committee’s consideration of the applications.

46. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 11.7.2018, 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.”

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

- “(a) to note the comments of the Director of Environmental Protection that the applicant should connect the proposed Small House to the public sewerage

system at his own cost;

- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence is to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the lot boundary, prior consent and agreement from Lands Department (LandsD) and/or relevant private lot owners should be sought. There is existing public sewerage in the vicinity of the Site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the

nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that no access leading from Ting Kok Road to the Site is maintained by HyD; 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 TPB where required before carrying out the road works.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/511 Proposed House (New Territories Exempted House - Small House) in
 “Green Belt” zone, Government land in D.D. 15, Shan Liu, Tai Po
 (RNTPC Paper No. A/NE-TK/511)

48. The Committee noted that seven replacement pages (pages 6 to 10 and 12 of the main Paper and page 4 of Appendix V of the Paper) were tabled at the meeting.

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) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 of the Paper. Although more than 50% of the application site and Small House footprint fell within the village ‘environs’ (VE), the District Lands Officer/Tai Po (DLO/TP) did not support the application as the site encroached onto another application site. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received, objecting to the application mainly for the reasons that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and would cause cumulative adverse impacts on access road, parking and water quality of the area; no impact assessment for traffic or environment was provided; and the history of the site should be investigated. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 13 of the Paper. As regards the concern of DLO/TP on the possible encroachment of the site onto another Small House application site, the issue was a land administrative matter to be dealt with by the Lands Department. For the adverse public comments, although the proposed Small House development

was not in line with the planning intention of the “GB” zone, the Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view as the site was covered with grass and weeds. The Chief Town Planner, Urban Design and Landscape, Planning Department had no objection to the application from landscape planning point of view. She considered that significant adverse impact on existing landscape resources within the site was not anticipated and the proposed village house was not incompatible with the surrounding landscape character. The site was the subject of five previous applications (No. A/NE-TK/184, 189, 299, 434 and 468) for Small House development. While the former two applications were rejected on 10.6.2005 mainly for reason that the proposed Small House was not able to be connected to the existing or planned sewerage system in the area at that time, the latter three applications were approved in 2010 - 2013 mainly on consideration that the proposed developments complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) in that more than 50% of the proposed Small Houses footprints fell within the VE and there was general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Shan Liu. For the current application, more than 50% of the site and Small House footprint fell within the VE. Thus, the current application could warrant the sympathetic consideration from the Committee as the previously approved applications. As regards the impacts on water quality and the environment, the proposed Small House could be connected to the public sewerage system in the area and the Environmental Protection Department and the Water Supplies Department had no objection to the application. For traffic impact, the Transport Department considered that the subject application only involving construction of a Small House could be tolerated. Regarding the commenter’s concern on the history of the application site, the site was not the subject of any active enforcement case.

50. In response to the enquiry of the Chairman, Mr C.T. Lau responded that both previous applications No. A/NE-TK/434 and 468 were for two Small Houses. In the current

application, only one Small House was proposed. With the completion of the public sewerage system, many approved Small Houses in the area would be built in due course. In order to develop these Small Houses in a more tidy manner, there were minor amendments to the footprints of these previously approved Small Houses and hence this planning application was submitted.

Deliberation Session

51. A Member noted that many planning applications on Small Houses at the fringe of the VE had been approved by the Committee. However, there was no development within the “V” zone although that might be due to various reasons such as pending completion of the public sewers or the land owner had not developed the site yet. If the “V” zone had to be expanded, there was no choice for the Committee but to follow the pattern of the approved Small House applications which had already been extended to the edge of VE. The case of Shan Liu Village served a good example for the Committee to consider how similar applications in future could be handled in a better manner.

52. The Vice-chairman shared the view of this Member and said that if the subject application did not involve a previously approved case, this application might need to be reconsidered as it was within the “GB” zone which was still vegetated, and warranted more stringent scrutiny. However, even if the Committee did not approve the subject application, the applicant could still construct the Small House approved under the previous application. Another Member was of the view that since the sites of many approved Small House applications were already near the woodland, the Committee should be more stringent in the consideration of future applications.

53. The Chairman said that the Committee had agreed to extend the “V” zone of Shan Liu after considering the land use review of Shan Liu in 2012. However, owing to the several rounds of consultation with the representatives of Shan Liu Village on the “V” zone extension, the “V” zone boundary had not yet been submitted for the Committee’s consideration. In this connection, PlanD should step up its effort to finalise the “V” zone extension with relevant parties so that the extended “V” zone boundary could be incorporated into the Outline Zoning Plan.

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 11.7.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the 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
- (c) 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 applicant should connect the proposed Small House to the public sewerage system at his own cost;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain available for connection in the area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the Site and overland flow from surrounding of the Site, e.g. surface channel of sufficient size along

the perimeter of the Site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the Site if any boundary wall/fence is to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicant/owner is required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the lot boundary, prior consent and agreement from Lands Department (LandsD) and/or relevant private lot owners should be sought. There is existing public sewerage in the vicinity of the Site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (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 LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that no access leading from Ting Kok Road

to the Site is maintained by his Department; 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 TPB where required before carrying out the road works.”

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/557 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government land in D.D. 20, Yuen Tun Ha, Tai Po
(RNTPC Paper No. A/TP/557)

A/TP/558 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government land in D.D. 20, Yuen Tun Ha, Tai Po
(RNTPC Paper No. A/TP/558)

56. As the two applications were similar in nature and the application sites were close to each other, the Committee agreed that the two cases could be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application site;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) advised that the application site was within the lower indirect Water Gathering Ground (WGG). As public sewerage system was not available for connection in the vicinity of the site, the application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria). He objected to the application. The Director of Environmental Protection (DEP) advised that as there was no existing or planned sewerage system, the application was not supported in order to protect the potable water quality in WGG. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the site was well vegetated and overgrown with groundcover, shrubs and trees. If the application was approved, it would set an undesirable precedent and encourage similar Small House developments in the area, thus encroaching onto the “Green Belt” (“GB”) zone and deteriorating the existing rural landscape quality. In general, significant adverse landscape impact was anticipated. As such, he objected to the application from the landscape planning perspective. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of view noting that the site was covered by trees. Construction of the proposed Small House and the related site formation works would require extensive vegetation clearance and felling of trees. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received on each of the application, objecting to the applications mainly on the grounds that the site was well vegetated; the proposed development was not in line with the planning intention of the “GB” zone and did not comply with the Town Planning Board (TPB) Guidelines No. 10; approval of the application would cause cumulative adverse impacts on the subject “GB” zone; there was a lack of access and parking spaces in the area; and there had been some landscape changes at

the site and their surroundings and any “Destroy First, Build Later” activities should not be tolerated. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers. The proposed Small House developments were not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within the “GB” zone. The application sites and their surrounding areas were covered by vegetation and trees. CTP/UD&L, PlanD objected to the application from the landscape planning perspective as significant adverse landscape impact was anticipated. DAFC had reservation on the application from the nature conservation point of view, as development of the proposed Small Houses and the related site formation works would require extensive vegetation clearance and felling of trees. Besides, the applicants failed to demonstrate in the submissions that the proposed development would have no adverse impacts on the landscape character of the surrounding areas. Hence, the proposed developments were not in line with TPB Guidelines No. 10. The approval of the applications would also set undesirable precedents for similar applications within the “GB” zone, the cumulative effect of which would result in a general degradation of the environment and landscape quality of the area. The Site was located within the lower indirect WGG. Drainage Services Department advised that public stormwater drainage and sewerage systems were not available for connection in the area. The applicants had not provided any information in the applications to demonstrate that the proposed developments located within the WGG would not cause adverse impact on the water quality in the area. In this regard, CE/Dev(2) of WSD and DEP objected to the applications. Although the sites were entirely within the village ‘environs’ of Yuen Tun Ha Village and there was a shortage of land in the “Village Type Development” zone to meet the future Small House demand

of the village, the proposed development did not comply with the Interim Criteria as the proposed development within WGG would not be able to be connected to the existing or planned sewerage system in the area and would have adverse landscape impacts on the surrounding areas.

58. Members had no question on the applications.

Deliberation Session

59. A Member opined that the subject applications should be rejected. However, this Member observed that the number of outstanding Small House applications of the concerned village was 19 while the 10-year Small House demand forecast was 250 which was a significant increase in the Small House demand given the small size of the village. The 10-year Small House demand forecast should not be adopted without any justifications. Government departments should ask for more evidence and proof from the village representative to justify the figure.

60. The Chairman then invited Ms Anita K.F Lam to enlighten the Committee on the source of the figures of the 10-year Small House demand forecast and whether Lands Department (LandsD) would verify the figures. Ms Anita K.F. Lam replied that in general the figures on the 10-year Small House demand forecast were given by the village representatives and LandsD would not verify the figures. However, LandsD had reminded the village representatives to provide the figures based on concrete evidence as each village might have the pedigree of the clan and there was special ceremony for the birth of each male descendent. LandsD had also conveyed such message to the village representatives through Heung Yee Kuk. She continued to say that LandsD had no information on the number of male descendent of each indigenous village and their dates of birth. However, when an applicant submitted a Small House application under the Small House Policy, the applicant had to provide information on whether he was an indigenous villager. Generally speaking, confirmation letter of his indigenous villager's status from the indigenous village representative or the Chairman/Vice-chairman of the Rural Committee would be accepted. If objection to the indigenous villager's status was received, LandsD would request the applicant to provide more information such as the pedigree of his clan or the concerned lot owned by his ancestor stated in the Block Government Lease and the land use involved for

further verification.

61. A Member noted that much land in Hong Kong had been used for village development and considered that if the 10-year Small House demand forecast was not reliable and could not be verified, the Committee should not base on such unreliable figure to expand the area of the “V” zone. The Government should verify such figure and assess whether there would be additional land required in future. There was no reason to satisfy the 10-year Small House demand forecast at this juncture.

62. The Chairman responded that the figure of 10-year Small House demand forecast was only a reference to facilitate the Committee’s consideration of planning applications on Small House and the Committee could consider giving an appropriate weighting on it especially to those figures which represented a significant increase in demand comparing with the size of the village. The Committee had no obligation to fully satisfy the 10-year Small House demand forecast. As regards the indigenous villager’s status of individual applicant, it was outside the Committee’s ambit and LandsD would verify such information at the Small House application stage.

63. In response to a Member’s question, Ms Anita K.F. Lam responded that indigenous villagers living overseas could apply for Small House under the Small House Policy. They would be requested to provide evidence or information to prove that they really intended to live in Hong Kong in the long-run. LandsD would check whether these applicants had genuine intention to settle in Hong Kong so as to screen out cases involving sale of indigenous rights for profit only. The Chairman supplemented that the role of the Committee was mainly to determine whether the site applied for under the application was suitable for Small House development while LandsD would be responsible for assessing the eligibility of each and every applicant for Small House application under the Small House Policy.

64. 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 development areas by natural physical features so as to contain urban sprawl and to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the 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 New Territories in that the proposed development falls within the Water Gathering Grounds and is not able to be connected to the existing or planned sewerage system in the area and that the proposed development would affect the existing landscape character of the surrounding areas. The applicant fails to demonstrate that the proposed development would not cause adverse impacts on the water quality and landscape character of the area;
- (c) the application does not comply with 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 extensive clearance of vegetation that would affect the existing natural landscape in the surrounding environment; and
- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the natural environment in the area.”

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

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

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

[There was a five-minute break.]

Fanling, Sheung Shui and Yuen Long East District

[Mr Otto K.C. Chan, Senior Town Planner/Fanling, Sheung Shui and Yuen Long East (STP/FSYLE), was invited to the meeting at this point.]

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/218 Proposed Public Utility Installation (Package Substation) in “Green Belt” Zone, Government Land in D.D. 92, Tsung Pak Long, Sheung Shui

(RNTPC Paper No. A/FSS/218A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) advised that the existing landscape vegetation within the application site would be in conflict with the proposed package substation. Disturbance to the existing landscape resources was anticipated. Moreover, the “Green Belt” (“GB”)

zone where the site was located provided valuable landscape buffer between Fanling Highway and the “Village Type Development” (“V”) zone. There was a general presumption against development in the “GB” zone. Approval of this application might attract more applications resulting in a general degradation of the “GB” zone. Therefore, she had reservation on the application from the landscape planning point of view. She considered that the excavation works associated with the proposed utility installation might have further impacts on the landscape resources of the “GB” zone. The applicant should seek alternate sites other than “GB” zone for the subject utility installation. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three supporting comments from a member of the North District Council and two members of the public were received on the grounds that the proposed package substation was a public utility facility for the provision of adequate and reliable power supply to the existing village houses and future developments in the vicinity of the site. The District Officer (North) advised that the Chairman of the Sheung Shui District Rural Committee and the Indigenous Inhabitant Representative (IIR) of Tsung Pak Long supported the application as the residents would be benefited from the proposed package substation which could meet the future demand of village houses, while the incumbent North District Council member of Sheung Shui Rural Constituency, two other IIRs of Tsung Pak Long and the Resident Representative of Tsung Pak Long had no comment on the application.; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. As regards the reservation of CTP/UD&L, PlanD, the site was a piece of government land covered with weeds and shrubs located close (about 65m) to the village cluster of Hak Ka Wai in Tsung Pak Long. The proposed package substation was an essential public utility facility for providing adequate and reliable power supply to the existing and new village houses

in the vicinity of the site. According to the applicant, government land in the eastern part of Tsung Pak Long including those in the “V” zone had been examined. The site was the most appropriate as it was close to the main access road and the new village houses. The proposed package substation, which was a single storey structure, was small in scale and not incompatible with the surrounding rural environment. The proposed development was generally in line with the relevant criteria of the Town Planning Board Guidelines No. 10. For the concerns on the adverse landscape impact, an approval condition on the submission and implementation of the landscape proposal was recommended.

67. Members had no question on the application.

Deliberation Session

68. 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 11.7.2018, 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 fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB; and;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North that the applicant shall apply for Short Term Tenancy (STT) for the proposed structures. There is no guarantee that the application will be approved. If the STT is approved, it will be subject to such terms and conditions to be imposed including payment of rental;

- (b) to note the comments of the Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. Effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities are also encouraged;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by Buildings Department (BD). Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that affecting the tree located next to the Site should be avoided as far as practicable during the construction stage and operation of the package station;
- (e) to note the comments of the Director of Electrical and Mechanical Services as follows:
 - (i) for the design and operation of electricity package substation, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substation as far as possible;
 - (ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulations shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply

lines;

- (iii) there is a high pressure underground town gas transmission pipeline (running along Castle Peak Road – Kwu Tung) in the vicinity of the proposed site;
 - (iv) the project proponent/consultant should liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed study area and any required minimum set back distance away from them during the design and construction stages of development; and
 - (v) the project proponent/consultant is required to observe the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes" for reference;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
- (i) before any building works are to be carried out on the Site, the prior approval and consent of the BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (ii) for UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO;

- (iii) if the proposed use under application is subject to the issue of a licence, please be reminded that the area intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (iv) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/222 Proposed Training Centre with Residential Institution (Hostel) and Eating Place in “Government, Institution or Community” zone, The Former Fanling Magistracy at No. 302, Jockey Club Road, Fanling
(RNTPC Paper No. A/FSS/222)

70. The Secretary reported that the application was submitted by the HKFYG Institute for Leadership Development Limited (HKFYG) with LWK Conservation Ltd. (LWK) and Urbis Ltd. (Urbis) as the consultants. The following Members had declared interests in this item:

- Dr C.P. Lau - having current business dealings with HKFYG
- Mr Ivan C.S. Fu - being the director and shareholder of LWK and having current business dealings with Urbis
- Ms Janice W.M. Lai - having current business dealings with Urbis

71. As the interests of Dr Lau and Mr Fu were considered direct, the Committee agreed that they should leave the meeting temporarily. The Committee noted that Ms Lai had left the meeting already.

[Dr C.P. Lau and Mr Ivan C.S. Fu left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application highlighting that the proposed training centre with hostel and eating place had been selected under Batch III of the Revitalising Historic Buildings Through Partnership Scheme (R-Scheme), with the aim to preserving and revitalising the Former Fanling Magistracy into a unique cultural landmark for leadership education;
- (b) the proposed development scheme involved conservation and adaptive re-use of the Former Fanling Magistracy Building into a training centre, and redevelopment of the Annex Court Building into a hostel with eating place to support the training programmes. Besides, the existing Duty Lawyers' Office and two blocks accommodating building services would be demolished to form part of the landscaped garden;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Heritage's Office, DEVB (CHO, DEVB) supported the application in view of the benefit of preserving and renovating a vacant historic government building and in providing the much needed youth leadership services in the district with the creation of jobs. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, ten public comments were received. Nine of them were supporting comments including one submitted by a member of North District Council (NDC). The remaining one was from the Chairman of the Fanling District Rural Committee who had no comment on the application. The supporting public comments were mainly on the grounds that the Institute could provide opportunities for young leaders to develop competencies and skills; it might attract more students and visitors to Fanling as well as boost up local business; and the revitalised Former Fanling Magistracy could become a landmark for heritage conservation. The District Officer (North) advised that members of the NDC had no comments on the application. The Chairman of the Incorporated Owners of Cheung Wah Estate had collected 49 supporting signatures and 16 objection signatures, without giving reasons; 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. Whilst the proposed training centre was a use always permitted within the “Government, Institution or Community” (“G/IC”) zone, the hostel and eating place require planning permission from the Board. As the associated hostel and eating place were mainly in support of the operation of the training programme, the proposed development was generally in line with the planning intention of the “G/IC” zone. The proposed development was compatible to the surrounding GIC facilities and nearby residential uses. The revitalisation of the Former Fanling Magistracy was to facilitate the conservation and adaptive re-use of the historical building which was in line with the Heritage Conservation Policy. The proposed new 2-storey hostel block (7.85m) was designed to have a similar footprint of the existing Annex Court Building with a building height lower than the Former Fanling Magistracy of 13.2m. The design of the new hostel block would echo with that of the adjacent Magistracy building. As the proposed development would be screened by trees along the site boundaries, there would not be significant visual impacts on the surrounding areas. The Chief Town Planner/Urban Design and Landscape, PlanD's concern on

existing trees at the application site would be addressed by imposing approval conditions. The applicant had demonstrated that the proposed development would not have significant traffic, environmental and drainage impacts on the surrounding areas.

73. In response to a Member's query on the heritage value of the main building of the Former Fanling Magistracy and the Annex Court Building at the north of the site, Mr Otto Chan, with reference to Plans A-4a and 4b of the Paper, explained that the Former Fanling Magistracy was a Grade 3 historic building while the Annex Court Building had no significant heritage value. The applicant had submitted a Heritage Impact Assessment (HIA) to the Antiquities and Monuments Office (AMO) and the Commissioner for Heritage's Office (CHO) for consideration. The HIA concluded that there was no significant heritage value for the Annex Court Building. AMO and CHO had no objection to the proposed demolition of the Annex Court Building to make way for the proposed hostel.

Deliberation Session

74. In response to the same Member's question, Mr Otto K.C. Chan replied that the proposed development would provide leadership training courses. A Member who had worked in the Former Fanling Magistracy before said that there was an office and a court in the Annex Court Building, which was an annex building constructed in the 1980's and was in dilapidated conditions with no preservation value. This Member supported the subject revitalising project.

75. In response to another Member's query on whether the applicant was required to seek approval on the design of the proposed hostel from relevant government departments in future, Mr Otto K.C. Chan explained that the proposed development was under the Revitalising Historic Buildings Through Partnership Scheme and the applicant had to implement the proposed development in consultation with the CHO and AMO.

76. 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 11.7.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the

permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission of quarterly tree monitoring report upon the commencement of site works and until the satisfactory implementation of the landscape and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (c) the provision of parking facilities, loading/unloading spaces, lay-bys, vehicular access and internal driveway for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB; and
- (d) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department’s (BD) comments that:
 - (i) the new Quality & Sustainable Built Environment requirements (including building separation, building setback and greenery coverage) is applicable to this development;
 - (ii) the new gross floor area (GFA) concessions policy was implemented in April 2011. If the applicant intends to apply for GFA exemptions for the green/amenity features and non-mandatory/non-essential plant room, compliance with the pre-requisites and the Sustainable Building Design Guidelines as stipulated in PNAPs APP-151 and 152 are required;
 - (iii) adequate means of escape (including but not limited to separation of

required staircase at ground storey), fire resisting construction (including but not limited to provision of fire barriers to prevent fire spread to buildings of adjoining site) and means of access for firefighting and rescue (including but not limited to provision of emergency vehicular access) should be provided to the Former Fanling Magistracy Building and the new hostel block in accordance with Building (Planning) Regulations (B(P)R) 41(1), 41A, 41B, 41C, 41D and the Code of Practice for Fire Safety in Buildings 2011 (FS Code);

- (iv) access and facilities for persons with a disability (including but not limited to initial access, barrier free access route, accessible guest room facilities) should be provided in accordance with B(P)R 72 and Design Manual: Barrier Free Access 2008;
 - (v) if the proposed use under this application is subject to the issue of a licence, the applicant is reminded that any existing structures on the Site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
 - (vi) formal submission of any proposed new building works for approval and consent under the BD is required. Detailed consideration will be made at the building plan submission stage;
- (b) to note the Chief Highway Engineer/New Territories East, Highways Department's comments that the subway (structural no. NS49A) falls into the Universal Accessibility Programme of which the provision of barrier-free access is under study;
- (c) to note the Director of Leisure and Cultural Services' comments that the project proponent should ensure that the mitigation measures recommended in the **Heritage Impact Assessment** are properly implemented. In case of any changes and variations, the project proponent and its heritage

consultant should seek comments from the Antiquities and Monuments Office;

- (d) to note the Director of Environmental Protection's comments that the applicant should be reminded that the fresh air intake location of the development should meet the Hong Kong Planning Standards and Guidelines (HKPSG) recommended buffer distances from polluting sources;
- (e) to note the Director of Food and Environmental Hygiene's comments that the restaurant operator is required to obtain a restaurant licence from the Food and Environmental Hygiene Department for the operation of the business;
- (f) to note the Director of Water Supplies' comments that for the 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 the Water Supplies Department's standards;
- (g) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the Site. Based on the cable plans obtained, if there is an underground cable (and/or overhead line) within or in the vicinity of the Site, the applicant shall carry out the following measures:
 - (i) for the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the HKPSG, 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) Regulations shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.
- (h) to note the Director of Fire Services’ comments that the applicant should be reminded that the arrangement of emergency vehicular access shall comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by the BD; and
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department’s comments that in terms of façade material for the proposed hostel block, the applicant is advised to consider materials and colours of the adjacent Former Fanling Magistracy Building.”

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

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

Agenda Item 18

Section 16 Application

[Open Meeting]

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

78. The Secretary reported that Environ Hong Kong Ltd. and MVA Hong Kong Ltd. were the consultants of the applicant. Mr Ivan C.S. Fu, who had current business dealings with these two companies, had declared interests in this item. Members noted that the applicant had requested for a deferral of consideration of the application and Mr Fu had no involvement in this application. Members agreed that Mr Fu could stay in the meeting.

79. The Committee noted that the applicant requested on 27.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. In particular, additional time was required to review and refine the landscape and tree preservation proposal. This was the second time that the applicant requested for deferment.

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-KTS/369 Proposed Public Utility Installation (Outdoor Pad-mounted Switchgear Cubicle) and Excavation of Land in “Green Belt” zone, Government Land in D.D. 91, Lin Tong Mei, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/369)

81. The Committee noted that the applicant requested on 4.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address the comments from the Water Supplies Department. This was the first time that the applicant requested for deferment.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTN/445 Proposed Temporary Offensive Trades – Lard Boiling Factory for a Period of 5 Years in “Industrial (Group D)” zone, Government Land in Fung Kat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/445)

83. The Committee noted that the applicant requested on 16.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/YL-KTS/630 Temporary Open Storage of Forklifts for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 567 and 609 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/630)

85. The Committee noted that the applicant requested on 4.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the second time that the applicant requested for deferment.

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-PH/692 Temporary Open Storage (Building Materials and Vehicles) for a Period of 3 Years in "Residential (Group D)" zone, Lots 9 (Part) and 10 (Part) in D.D.111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/692)

87. The Committee noted that the applicant requested on 26.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

88. 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 23

Section 16 Application

[Open Meeting]

A/YL-ST/445 Temporary Cross-Boundary Traffic Service Station (including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Vehicle Repair Workshop, Office) with Ancillary Services Trades (including Handling In and Out of Container Freight, Arrival and Departure of Goods Vehicles) and Staff Canteen for a Period of 3 Years in "Other Specified Uses" annotated "Service Stations" zone, Lots 372 S.D RP (Part), 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part), 737 RP, 738 RP, 741 (Part), 742 RP (Part), 744 RP (Part), and 774 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/445)

89. The Committee noted that the applicant requested on 2.7.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

90. 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.

Tuen Mun and Yuen Long West District

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

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/86 Temporary Vegetable Collection and Transfer Station for a Period of 3 Years in "Village Type Development" zone, Government Land in D.D. 375, So Kwun Wat Tsuen Road, Tuen Mun
(RNTPC Paper No. A/TM-SKW/86)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vegetable collection and transfer station for a period of 3 years;
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the temporary vegetable collection and transfer station for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

92. Members had no question on the application.

Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.7.2017, 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 6:00 a.m. shall be carried out at the application site during the planning approval period;
- (b) the trees on site shall be maintained at all times during the planning approval period;
- (c) the drainage facilities on site should be maintained at all times during the planning approval period;
- (d) the fire service installations on site should be maintained at all times during the planning approval period; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further

notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) should the applicant fail to comply with any of the approval condition again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to note the District Lands Officer/Tuen Mun, Lands Department’s (LandsD) comment that there is no guarantee that the application for regularisation of Short Term Tenancy (STT) will be approved. The application will be considered by his Department acting in the capacity as the landlord at its sole discretion;
- (d) to note the Assistant Commissioner for Transport/New Territories, Transport Department’s (TD) comment that So Kwun Wat Tsuen Road is not a public road being managed by the TD. The relevant management and maintenance authorities should be consulted to ascertain whether this access road is suitable/adequate to serve the proposal or upgrading works are required;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department’s (CE/MN, DSD) comment that the applicant shall ascertain all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection (DEP) shall be obtained. The applicant is reminded that the drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. All

the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site;

- (f) to note the DEP's comment that the operation of the station should follow the Hong Kong Planning Standards and Guidelines' (HKPSG) requirements and would be subject to statutory control under section 13 of the Noise Control Ordinance; and

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/687 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Residential (Group C)” zone, Lots 1290 (Part), 1308 (Part), 1310 (Part), 1311 S.B RP (Part) and 1314 (Part) in D.D. 119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/687)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary public vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received raising objection to the application on the grounds that the proposed use did not comply with the planning intention of the “Residential (Group C)” (“R(C)”) zone; approval of the application would set an undesirable precedent and would be in conflict with the mandate of the Board which was to ensure the health and well being of the community; and it would be difficult to develop the site for other more suitable uses once planning permission was given for the applied use No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary public vehicle park for private cars and light goods vehicles could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. As regards the adverse public comment, there was no known programme for residential development on the site at the moment and considering that the applied use could serve some of the parking needs in the area and there were no adverse departmental comments on the application, sympathetic consideration could be given to the application based on individual merits.

96. Members had no question on the application.

Deliberation Session

97. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 11.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle without valid licences issued under the Road Traffic Ordinance, as proposed by the applicant, is 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, as proposed by the applicant, 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 vehicle repairing, dismantling, 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 11.1.2015;
- (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 11.1.2015;
- (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 11.4.2015;
- (k) the submission of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.1.2015;
- (l) in relation to (k) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 11.4.2015;
- (m) 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 11.1.2015;

- (n) in relation to (m) 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 11.4.2015;
- (o) 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;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) 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
- (q) 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.”

98. 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) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) to note the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) comments that private lots within the site are Old

Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for site office, guard room, toilet and meter room. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The owner(s) concerned will need to apply to his office to permit structures to be erected or regularise any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on GL and private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantee right-of-way;

- (d) to note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department's comments 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 Director of Agriculture, Fisheries and Conservation's comments that an egretty (i.e. breeding ground of egrets and herons) was found newly established in vicinity of the site. The applicant is advised to avoid works using noisy machinery such as clearance of structure and erection of hoarding, if any, during the breeding season from March to August;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that 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 (Drawing A-4 of the RNTPC paper). Catchpit should be provided at the turning points along the proposed 450mm u-channel. The location and details of the proposed hoarding should be shown on the proposed drainage plan. The flow paths of the surface runoff from the adjacent areas should be indicated on the proposed drainage plan. DLO/YL of LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside site boundary or outside the applicant's jurisdiction;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) to note the Director of Fire Services' comments 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 justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including site office, guard room and containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(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
- (l) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead

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

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

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL/205

Proposed Comprehensive Commercial/Residential Development (Hotel and Flats) in “Comprehensive Development Area” Zone and an area shown as ‘Road’, Lots 419, 422, 454 RP, 455 S.C RP, 455 S.G, 455 S.H RP, 457 S.C, 461 RP, 462 RP (Part), 463 RP (Part), 464 RP, 470 RP and YLTL 504 in D.D. 116 and adjoining Government land, 9 Yuen Lung Street, Yuen Long
(RNTPC Paper No. A/YL/205)

99. The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHK) with Masterplan Ltd. (Masterplan), AGC Design Ltd. (AGC), AECOM Asia Co. Ltd., (AECOM) and Environ Hong Kong Ltd. (Environ) as consultants. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with SHK, Masterplan, AGC, AECOM and Environ
- Ms Janice W.M. Lai - having current business dealings with SHK and AECOM
- Professor S.C. Wong - having current business dealings with AECOM
 - being the Director of the Institute of Transport Studies of the University of Hong Kong and AECOM had sponsored some activities of the Institute

100. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had left the meeting already. Since the applicant had requested for a deferral of the consideration of the application and Professor Wong had no direct involvement in the application, Members agreed that Professor Wong could stay in the meeting.

101. The Committee noted that the applicant requested on 23.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information to address departmental comments. This was the first time that the applicant requested for deferment.

102. 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.

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/206 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Government
Land in D.D. 115, Tung Tau Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL/206)

Presentation and Question Sessions

103. 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) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Yuen Long (DLO/YL) advised that there was no village ‘environs’ (VE) boundary of Tung Tau Tsuen. According to the existing guidelines, Small House applications should not generally be considered if the proposed house was outside or more than 50% of it was outside the “Village Type Development” (“V”) zone which encircled a recognised village. In this regard, he did not support the application. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning point of view. According to a site visit on 6.5.2011, site formation works was in progress before the previous application (No. A/YL/180) was considered and the natural topography was damaged. Approval of the application would set an undesirable precedent to similar Small House applications in the vicinity and resulting in urban sprawl to the “GB” zone and further degradation of

the landscape quality. As the footprint of the proposed Small House would occupy almost the whole application site, there was no space available for greening within the site. Landscape mitigation measures could not be implemented on site and hence landscape impacts caused by the proposed development could not be mitigated. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received. The commenters objected to and expressed concerns on the application mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and approval of the application would set an undesirable precedent for future applications that would undermine the function and value of the “GB” zone. No technical assessment had been submitted in support of the application. The proposed development would have building safety, fire safety, traffic and ‘fung shui’ issues. A commenter also expressed concerns on the assessment of Small House applications on land zoned “GB” and that the site notice should be posted at a prominent location for public inspection. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised as below:
 - (i) the application site partly fell within the “GB” zone (about 69%) and partly within the “V” zone (about 31%). The proposed development was not in line with the planning intention of “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl. There was a general presumption against development within this zone. No strong justifications had been provided in the submission to justify a departure from this planning

intention;

- (ii) the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (Interim Criteria) as the proposed Small House had more than 50% of the footprint outside “V” zone and there was no VE covering the Tung Tau Tsuen. DLO/YL did not support the application, and advised that if the applicant was confirmed as an indigenous villager, he would be eligible to apply for cross-village Small House application in other recognised villages in Shap Pat Heung;
- (iii) the application did not comply with the Town Planning Board (TPB) Guidelines No. 10 in that the proposed development was incompatible with the existing landscape character and the applicant also failed to demonstrate that the proposed development would not affect the natural landscape of the area. The destruction of existing landscape to create a fait accompli situation should not be tolerated; and
- (iv) part of the site was the subject of a previous application (No. A/YL/180) submitted by the same applicant which was rejected by the Committee mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and the TPB Guidelines No. 10. Although the applicant proposed to shift the Small House to the south by 3.35m resulting in a reduction in encroachment onto the “GB” zone from 99.5% to 69% when compared with the previous application, there was no major change in planning circumstances. Approval of the current application would set an undesirable precedent for other similar applications within the “GB” zone which would result in a general degradation of the environment of the area.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is to define the limits of urban and sub-urban development areas by natural features. No strong justifications have been provided in the submission to justify a departure from this 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 New Territories in that more than 50% of the footprint of the proposed development falls outside “Village Type Development” zone;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development is incompatible with the existing landscape character and the applicant also fails to demonstrate that the proposed development would not affect the natural landscape of the area; and
- (d) the approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area.”

[The Vice-chairman thanked Ms Bonita K.K. Ho, STP/TMYLW, for her attendance to answer Members’ enquires. Ms Ho left the meeting at this point.]

Agenda Item 28

Section 12A Application

[Open Meeting]

Y/YL-LFS/5

Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7, To rezone the application site from “Recreation” to “Government, Institution or Community (1)”, Lots 1966 S.A, 1966 R.P., 1968, 1969, 1970 and 1975 R.P. in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long

(RNTPC Paper No. Y/YL-LFS/5)

106. The Secretary reported that Environ Hong Kong Ltd. was the consultant of the applicant. Mr Ivan C.S. Fu, who had current business dealings with this company, had declared an interest in this item. The Committee noted that Mr Fu had left the meeting already.

107. The Committee noted that the applicant requested on 19.6.2014 for deferment of the consideration of the application for two months in order to allow time for relevant Government departments to comment on the further information submitted on 12.6.2014, for the applicant to prepare further information to address departmental comments and to resolve issues relating to the proposed inclusion of Government land at the southern part of the site for recreational and car park uses. This was the first time that the applicant requested for deferment.

108. 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 29

Section 16 Application

[Open Meeting]

A/YL-HT/899 Proposed Temporary Open Storage for Construction Materials and Miscellaneous Goods for a Period of 3 Years in “Village Type Development” and “Recreation” zones, Lot 632 RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/899)

109. The Committee noted that the applicant requested on 24.6.2014 for deferment of the consideration of the application for two months in order to allow time for preparation of further information for the application. This was the first time that the applicant requested for deferment.

110. 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/901 Proposed 9 Houses (New Territories Exempted Houses - Small Houses) in “Recreation” and “Village Type Development” zones, Lots 679 S.A, 679 S.B, 679 S.C, 679 S.D, 679 S.E, 679 S.F, 679 S.G ss.1, 679 S.G ss.2, 679 S.G. RP and 679 RP in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/901)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed nine houses (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Yuen Long (DLO/YL) advised that the application site was outside the village ‘environs’ (VE) and the “Village Type Development” (“V”) zone. The Small House application would not be considered by his office. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received, objecting to the application on the grounds that the proposed use was not in line with the planning intention of the “Recreation” (“REC”) zone which was intended for recreational developments for the use of the general public. Approval of the

application would set an undesirable precedent for similar applications; landscape, drainage, and sewage impact assessments were not provided; there were concerns on the use of the entrance of the adjoining development, i.e. Grantham, the existing access road which was currently serving Grantham and estate management and maintenance issues; and the proposed development would increase the density of the development in the area, create additional traffic, and cause management and maintenance problems on parking, hygiene, right-of-way, and security aspects. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. About 99% of the site fell within the “REC” zone. The proposed development was not in line with the planning intention of the “REC” zone which was intended primarily for recreational developments for the use of the general public. According to DLO/YL's advice, the 10-year Small House demand forecast for the same Ha Tsuen “V” zone area was 1,755 (about 43.88 ha). Based on PlanD's latest estimate, about 31.50 ha (or equivalent to about 1,259 Small House sites) of land was available within the same “V” zone. Although the land available could not fully meet the 10-year Small House demand, there was still 30.45 ha of land available to meet the demand in the coming years. It was considered that a more prudent approach should be adopted in approving Small House applications outside “V” zone so that Small House development would be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. The proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as 99% of the site was outside the “V” zone and the site did not fall within VE of any recognised villages. In this regard, DLO/YL did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. There was no exceptional circumstance or strong justification provided by the applicant that would merit sympathetic consideration of the application.

112. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Recreation” (“REC”) zone which is intended primarily for recreational developments for the use of the general public;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories as about 99% of the site is outside the “Village Type Development” (“V”) zone and wholly outside the village ‘environs’ of any recognised villages;
- (c) the applicant fails to demonstrate why suitable sites within the areas zoned “V’ cannot be made available for the proposed development. The Small House developments should be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) approval of the application would set an undesirable precedent for similar applications in the “REC” zone.”

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/264 Temporary Open Storage of Construction Materials and Metalwaves
for a Period of 3 Years in “Residential (Group E)” zone, Lots 2201
(Part), 2219 RP (Part), 2225 (Part), 2339 S.A (Part) and 2341 (Part) in
D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/264)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials and metalwares for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 8m away) and along the access road (Deep Bay Road). Environmental nuisance was expected. There were two substantiated complaints related to noise nuisances received since 2011. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received, objecting to the application mainly on the grounds that the proposed use did not comply with the zoning intention; there was already sufficient supply of space for storage to satisfy current and future demand; and approval of the case would set an undesirable precedent for

similar applications. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and metalwares could be tolerated for a period of 1 year, instead of 3 years sought, based on the assessments made in paragraph 12 of the Paper. As regards the concerns of DEP, approval conditions restricting the operation hours and the stacking height of materials, prohibiting repairing, cleaning, dismantling and workshop activity, prohibiting handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment on the site, and restricting the types of vehicles to be used, had been proposed. Moreover, in view of the substantiated pollution complaints against the site in the past 3 years and the proximity of residential dwelling, a shorter approval period of 1 year had been recommended to monitor the situation on site. As regards the adverse public comment, the application was for temporary use only which could be tolerated in the interim and the proposed use was not incompatible with the general character of the area in the vicinity which was predominated by open storage yards. The Committee had previously approved similar applications in the area.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 11.7.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 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) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence, as proposed by the applicant, at all times during the planning approval period;
- (d) no repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no handling (including loading, unloading, dismantling and storage) of electrical/electronic appliances, computers/computer parts, cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle and container vehicle/trailer/tractor, as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing trees within the site should be maintained at all times during the planning approval period.
- (i) the existing drainage facilities implemented shall be maintained at all times during the planning approval period;
- (j) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 11.10.2014;

- (k) the provision of the fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 22.8.2014;
- (l) the submission of fire service installations proposals within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.10.2014;
- (m) in relation to (l) above, the implementation of the fire service installations proposals within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 11.1.2015;
- (n) 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;
- (o) if any of the above planning conditions (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.”

117. 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) a shorter approval of 1 year is granted in order to monitor the situation on-site;

- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Short Term Waiver (STW) No. 3675 was granted on Lot No. 2225 in D.D. 129 for the purpose of open storage of construction materials and metalwares. This site is accessible to Lau Fau Shan Road from the access via other private lots and Government land (GL). His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should planning approval be given to the application, the lot owner(s) concerned will need to apply to his office to permit any additional/excessive structure(s) to be erected or regularise any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimise any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that this application would not induce additional traffic flow on the adjacent road network. The local track leading to the site is not under Transport Department's purview. Its land status of the road/path/track leading to the site should be checked with the lands authority. Sufficient manoeuvring spaces shall be provided within the subject site. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

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

- (h) to note the comments of the Director of Fire Services to submit relevant layout plans incorporated with the proposed fire service installation (FSI) to his department for approval. In addition, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and good practice guidelines for open storage should be adhered to (Appendix V of the RNTPC Paper). The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including toilet as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed

building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO.”

[The Vice-chairman thanked Mr Vincent T.K. Lai, STP/TMYLW, for his attendance to answer Members' enquires. Mr Lai left the meeting at this point.]

Agenda Item 32

Any Other Business

118. There being no other business, the meeting closed at 5:05 p.m..