

TOWN PLANNING BOARD

Minutes of 523rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 28.11.2014

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms F.C. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Chief Traffic Engineer/New Territories West,
Transport Department
Mr Kelvin K.M. Siu

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

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

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

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

Secretary

Absent with Apologies

Professor K.C. Chau

Mr H.F. Leung

Ms Christina M. Lee

Dr Eugene K.K. Chan

In Attendance

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

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

Town Planner/Town Planning Board
Ms Sincere C.S. Kan

1. The Vice-chairman reported that the Chairman had other commitment and would join the meeting later. He would take over the chairmanship of the meeting until the Chairman returned. Members agreed.

Agenda Item 1

Confirmation of the Draft Minutes of the 522nd RNTPC Meeting held on 14.11.2014

[Open Meeting]

2. The draft minutes of the 522nd RNTPC meeting held on 14.11.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

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

Tuen Mun and Yuen Long West District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-SKW/4 Application for Amendment to the Approved So Kwun Wat Outline Zoning Plan No. S/TM-SKW/11, To amend paragraph (1) of the Notes as follows: ‘These Notes show... on application. If difficulty is found in developing any always permitted use, application to the Town Planning Board could be made. Where permission from...may be obtained.’
(RNTPC Paper No. Y/TM-SKW/4)

Presentation and Question Sessions

4. Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Mr C.C. Lau, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYLW), and Mr K.K. Sit, the applicant’s representative, were invited to the meeting at this point.

5. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr C.C. Lau, STP/TMYLW, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr C.C. Lau presented the application and covered the following aspects as detailed in the Paper:

The Proposal

- (a) to amend paragraph (1) of the covering Notes of the So Kwun Wat Outline Zoning Plan (OZP) as follows: ‘These Notes show...on application. If difficulty is found in developing any always permitted use, application to the Town Planning Board (TPB) could be made. Where permission from...may be obtained.’

Departmental Comments

- (b) departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

Public Comments

- (c) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection was received from the District Officer (Tuen Mun); and

The Planning Department (PlanD)'s Views

- (d) PlanD did not support the application based on the assessments set out in paragraph 10 and Appendix III of the Paper. The nature of this application was largely the same as the previous application (No. Y/TM-SKW/3) which was rejected by the Committee on 8.8.2014. Since the rejection of the previous application, there had been no change in planning circumstance.

6. The Chairman then invited Mr K.K. Sit to elaborate on the application. Mr K.K. Sit made the following main points:

- (a) with reference to the advice from the Department of Justice given to the previous application (No. Y/TM-SKW/3), application for Column 1 uses under section 16 was considered lawful;
- (b) there might be conflicting departmental views or uncertainties in the development of Column 1 uses. For example, New Territories Exempted House (NTEH), which was a Column 1 use in “Village Type Development” zone, but the Lands Department did not accept the application of NTEH by non-indigenous villagers. Such conflicting views or uncertainties could be effectively resolved by the TPB if application for

Column 1 uses under section 16 was allowed; and

- (c) regarding the concern on the corresponding amendments to all other statutory plans should the current application be approved, there were previous cases of en bloc amendments to statutory plans, and resources implication should not be a material consideration. Consideration might also be given to promulgating a new TPB guideline on this instead of amending the OZPs.

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

Deliberation Session

8. The Vice-Chairman said that the justifications for the current application were mostly the same as those for the previous application (No. Y/TM-SKW/3), and considered that there was no change in planning circumstances and the application should be rejected. A Member considered the intention of the proposed amendment by the applicant was to cater for his specific interest and supported the rejection of the application.

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

- “(a) the intention of specifying uses always permitted (i.e. Column 1 uses) and uses that required permission from the Town Planning Board (TPB) (i.e. Column 2 uses) is to balance between the need to provide certainty and flexibility of development in respective land use zones. The request for amendment to Covering Notes to make provision for Column 1 use to apply for planning permission is not in line with this intention;

- (b) the use and/or development that is always permitted or has obtained planning permission must also conform with other relevant legislation, conditions of government land lease concerned, and other government requirements; and
- (c) the function of TPB is not to resolve problems in the implementation of proposal encountered by the applicant.”

Sai Kung and Islands District

Agenda Items 4 and 5

Section 16 Application

[Open Meeting]

A/DPA/I-LWKS/1 Proposed House in “Unspecified Use” zone, Lots No. 489, 491, 492 and 493 in D.D. 311, Keung Shan, Lantau Island
(RNTPC Paper No. A/DPA/I-LWKS/1)

A/DPA/I-LWKS/2 Proposed House in “Unspecified Use” zone, Lot No. 484 in D.D. 311, Keung Shan, Lantau Island
(RNTPC Paper No. A/DPA/I-LWKS/2)

10. The Committee noted that the two applications were similar in nature and the sites were located in close proximity to each other. The two applications were submitted by the same applicant. The Committee agreed that the applications should be considered together.

11. The Secretary reported that on 13.11.2014, the applicant had requested for deferment of the consideration of the applications for two months in order to allow time to prepare further information in response to the departmental comments, in particular the proposed mitigation measures to protect trees and vegetation along the access track. This was the second time that the applicant requested for deferment.

12. After deliberation, the Committee decided to defer a decision on the applications

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

[Ms Donna Y.P. Tam, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/49 Renewal of Planning Approval for Temporary Eating Place for a
Period of 3 Years in "Open Space" zone, Lot Nos. 2259-2261 in D.D.
3, G/F, No.2 Wong Nai Uk Village, Tung Chung, Lantau Island
(RNTPC Paper No. A/I-TCTC/49)

Presentation and Question Sessions

13. Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

- (b) renewal of planning approval for temporary eating place 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 reported that there were a total of 15 filed noise nuisance complaint cases at the subject eating place in the past 3 years due to operation outside committed hours from 7:00 a.m. to 11:00 p.m. The Commissioner of Police reported that there were six noise complaints at the subject eating place, but advised that the sound level of the compliant cases was acceptable. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, one public comment was received and objected to the application on the grounds that despite the restrictions on operation hours from 7:00 a.m. to 11:00 p.m., the eating place was open until 4:00a.m., which had created nuisance and security problem; the eating place occupied government land as an Outside Seating Accommodation without permission from concerned departments; and the eating place also generated car parking, road safety, environmental and hygiene problems. No local objection was received by the District Office (Islands); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary eating place could be tolerated for a period of 1 year instead of 3 years sought based on the assessments set out in paragraph 11 of the Paper. Noting the complaints on noise nuisance caused by late night operation, a shorter approval period of 1 year instead of 3 years sought was recommended, in order to monitor the compliance with approval conditions regarding the operation hours and maintenance of noise mitigation measures. As to the public comment raising objection to the application, the applicant indicated that noise mitigation and pest control measures had been imposed, and the public sewer connection met the Environmental Protection Department's standard. Approval conditions would be imposed to ensure the subject eating place would not create adverse environmental and noise impacts.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year up to 6.12.2015, 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 11:00 p.m. and 7:00 a.m. daily, as proposed by the applicant, is allowed on the premises during the planning approval period;
- (b) the existing fire services installations implemented under the planning application (No. A/I-TCTC/45) should be maintained at all times during the planning approval period;
- (c) the existing noise mitigation measures implemented under the planning application (No. A/I-TCTC/45) should be maintained in good condition at all times during the planning approval period;
- (d) the existing sewer connection implemented under the planning application (No. A/I-TCTC/45) should be maintained in good condition at all time during the planning approval period; and
- (e) if the above planning conditions (a), (b), (c) and (d) are 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.”

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

- “(a) a temporary planning approval for 1 year up to 6.12.2015 is granted so as to monitor the development;
- (b) should the planning permission be revoked due to non-compliance with the

approval conditions, sympathetic consideration would not be given by the TPB to any further application for the same use;

- (c) resolve any land issues relating to the development with the concerned owner of the premises;
- (d) to note the comments of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the existing buildings within Lots 2259 and 2260 had been rebuilt without the approval of DLO/Is, LandsD. The applicant is required to apply for an Outside Seating Accommodation of food premises from the Food and Environmental Hygiene Department instead of a Short Term Tenancy from DLO/Is, LandsD;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Furthermore, Emergency Vehicular Access shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Building which is administered by the Buildings Department (BD);
- (f) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licensing Unit, BD that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under application. Before any new building works are to be carried out on the premises, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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 premises under the BO. If the proposed use under application is subject to the issue

of a licence, the applicant should be reminded that any existing structures on the premises 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; and

- (g) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department that foul water generated from the eating place should be properly controlled by the applicant/lot owner to avoid flowing into the nearby surface u-channels creating odour, hygiene and pollution nuisance to the public.”

[The Chairman thanked Ms Donna Y.P. Tam, STP/SKIs, for her attendance to answer Members’ enquires. She left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/518 Proposed House (New Territories Exempted House - Small House) in
“Government, Institution or Community” and ‘Road’ and “Village
Type Development” zones, Lot 2253 S.B ss.9 S.A in D.D.19, San Uk
Pai, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/518)

17. The Secretary reported that Dr W.K. Yau had declared an interest in this item as he owned a residential property which was near the site. Since Dr W.K. Yau’s property had a direct view on the site, the Committee agreed that he should be invited to leave the meeting

temporarily.

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

Presentation and Question Sessions

18. 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 and Appendix IV of the Paper. Major comments were summarised as below:
 - (i) the Commissioner for Transport (C for T) did not support the application as it involved permanent building within the area shown as ‘Road’ and it would jeopardise the future design and implementation of the road widening scheme along Lam Kam Road;
 - (ii) the Chief Engineer/Development (2), Water Supplies Department (CE/Dec(2), WSD) and the Director of Environmental Protection (DEP) objected to the application as the applicant failed to demonstrate that the proposed Small House could be connected to the existing or planned sewerage system in the area and would not cause water pollution to the water gathering ground (WGG);
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the proposed Small House as tree felling was proposed but no compensatory planting proposal was provided;

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

- (d) during the first three weeks of the statutory public inspection period, five public comments from Designing Hong Kong (DHK) and individuals were received. DHK objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Government, Institution or Community” (“G/IC”) zone; there was adequate land supply for Small House in the village; no traffic and environmental assessment was submitted; and there was no information on appropriate access, right of way and parking. The remaining four comments objected mainly on the grounds of non-compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria); adverse traffic impact and affecting the potential for widening Lam Kam Road; and setting an undesirable precedent for similar applications. No local objection was received by the District Office (Tai Po); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed Small House was not in line with the planning intention of the “G/IC” zone and the intended purpose of ‘Road’. The applicant had failed to justify why land within the “Village Type Development” (“V”) zone could not be made available for the proposed Small House development. The application was considered not in line with the Interim Criteria in that there was no general shortage of land in the “V” zone for meeting Small House demands in San Uk Pai and the applicant failed to demonstrate that the proposed development within WGG would be able to be connected to the existing or planned sewerage system in the area and would not cause adverse impact on the water quality in the area. A similar application (No. A/NE-LT/495) in the same “G/IC” zone was rejected by the Committee. C for T, CE/Dec(2), WSD and DEP objected to the application while CTP/UD&L, PlanD had reservation on it. Regarding the objecting public comments, comments of relevant departments and the planning assessment above were

relevant.

19. Members had no question on the application.

Deliberation Session

20. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 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 there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of San Uk Pai and the applicant fails to demonstrate that the proposed Small House located within water gathering ground (WGG) would be able to be connected to the existing or planned sewerage system in the area;
- (b) the applicant fails to demonstrate why land within “V” zone of San Uk Pai could not be made available for the proposed development and the proposed development located within WGG would not cause adverse impact on the water quality in the area; and
- (c) the proposed Small House falls partly within an area shown as ‘Road’ on the approved Lam Tsuen Outline Zoning No. S/NE-LT/11 and would jeopardise the future design and implementation of the road widening scheme along Lam Kam Road.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/519 Proposed Public Utility Installation (Sewage Pumping Station) in
 “Agriculture” zone, Government Land in D.D.8, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/519)

21. The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai, who had current business dealings with DSD, had declared an interest in this item. Dr W.K. Yau had also declared an interest in this item as he owned a residential property which had a direct view on the site. Since the interests of Ms Janice W.M. Lai and Dr W.K. Yau were direct, the Committee agreed that they should be invited to leave the meeting temporarily and noted that Dr W.K. Yau had left the meeting temporarily.

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

22. The Vice-chairman also declared an interest in this item as the Department of Civil Engineering of the University of Hong Kong, where he was the Chair Professor and the Head of the Department, had current business dealings with DSD. Since the Vice-chairman had no involvement in the application and the Chairman was not at the meeting, Members agreed that the Vice-chairman could continue to chair the meeting.

Presentation and Question Sessions

23. 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 public utility installation (sewerage pumping station (SPS));
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection 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 set out in paragraph 10 of the Paper. The proposed SPS was part of the works under the Lam Tsuen Valley Sewerage Project for alleviation of water pollution problem brought by the surrounding villages. It was an essential public utility to meet the needs of local villagers and the water quality of the village area could be improved.

24. Members had no question on the application.

Deliberation Session

25. 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 28.11.2018, 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 provision of fire installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB; and
- (c) the provision of adequate protective measures to ensure no pollution or siltation occurs to the water gathering ground to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant is required to submit an application for Government Land Allocation to LandsD for processing;
- (b) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and the emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by Buildings Department;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid pollution to the upper Lam Tsuen River to the east of the site, which is an Ecological Important Stream listed in Environment, Transport and Works Bureau Technical Circular (Works) (ETWC TCW) No. 5/2005, during construction and operational stages;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (i) the applicant should provide tree planting along the proposed access to enhance the landscape quality;
 - (ii) instead of palm planting, the applicant should consider to provide tree planting to enhance the screening effect;
 - (iii) method statement on tree transplanting should be provided; and
 - (iv) the applicant should also provide a current colour photo of the existing trees on site;
- (e) to note the comments of the Chief Architect/Central Management Division

2, Architectural Services Department (ArchSD) that the applicant should submit the design of the proposal to ArchSD's Design Advisory Panel for advice on aesthetics aspects in accordance with the requirements under ETWB TCW No. 8/2005;

(f) to note the comments of the Director of Electrical and Mechanical Services that:

(i) Electrical Safety

the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (a) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
- (b) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (c) 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;

(ii) Gas Safety

- (a) there is a high pressure underground town gas transmission pipeline (running along Lam Kam Road) in the vicinity of the site;
- (b) the project proponent/consultant shall 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 site and any required minimum set back distance away from them during the design and construction stages of development;
- (c) 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";
- (g) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the road leading to the site, including the structure spanning across Lam Tsuen River, is not maintained by HyD; and
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department at Appendix III of the Paper."

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

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/527 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Recreation” and “Village Type Development”
zones, Lots 1302 S.A and 1303 S.B in D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/527)

Presentation and Question Sessions

27. 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 and Appendix V of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection 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 set out in paragraph 11 of the Paper. The application is generally in line with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories.

28. Members had no question on the application.

Deliberation Session

29. 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 28.11.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drains 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 area 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 to be erected; 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 to 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 the Lands Department (LandsD) and/or relevant private lot owners should be sought;
- (b) to note the comments of the Director of Environmental Protection that there

is planned public sewer adjacent to the development; the applicant shall connect the sewer from the development to the public sewer at his own cost when it is available; adequate land should be reserved for the proposed Small House for future sewer connections;

- (c) 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/owner may need to extend the inside services to the nearest suitable government water mains for connection. The applicant/owner shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated at the land grant stage;
- (e) to note the comments of the Commissioner of Transport that the land status, management and maintenance responsibilities of the village access should be clarified with relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
- (f) to note that the permission is only given to the development under application. If the 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-MUP/105 Proposed House (New Territories Exempted House) in “Agriculture”
zone, Lot 790 in D.D. 46, Loi Tung Village, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/105)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view, as the site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received. One from a North District Council member supported the application as it would bring convenience to the villagers. The other from a local resident objected to the application mainly on the ground that the village house should be developed within the “Village Type Development” zone and should not encroach upon the village ‘environ’ (‘VE’) of Loi Tung Village or the “Agriculture” (“AGR”) zone. No local objection was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application based on the assessments set out in paragraph 10 of the Paper. The proposed NTEH would not have significant adverse traffic, drainage and environmental impacts on the surrounding area. There was an exceptional circumstance which merited sympathetic consideration of the application in that the site was an Old Schedule Lot held under Block Government Lease with a building status. It had been an existing practice of the Town Planning Board to take into account building entitlement under the lease in considering planning application for house development. As such, approval of the application would unlikely set an undesirable precedent for similar application within the “AGR” zone. Regarding the adverse public comment, government departments’ comments and the assessments above were relevant. It should also be noted that this was not a Small House application and the site was outside the ‘VE’.

32. Members had no question on the application.

Deliberation Session

33. 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 28.11.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

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

- (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (ii) the site is located within the flood pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the site is not maintained by her department;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance. An Authorized Person must be appointed for the site formation and communal drainage works; and
- (f) to note that the permission is only given to the development under application. If the 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 11, 12 and 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/106 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lots 613 S.D ss2 & 613 S.E R.P in D.D. 37, Man Uk Pin Village, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/106)

A/NE-MUP/107 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 421 S.A in D.D. 38, Man Uk Pin Village, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/107)

A/NE-MUP/108 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 614 S.A RP in D.D. 37, Man Uk Pin Village, Sha Tau Kok
(RNTPC Paper No. A/NE-MUP/108)

35. The Committee noted that the three applications were similar in nature and the sites were close to each other and located in the Man Uk Pin Village. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

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

(for each application);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. Major comments were summarised as below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as agricultural services in the vicinity of the sites were active and agricultural infrastructures were available. As such, the sites possessed potential for agricultural rehabilitation;
 - (ii) the Commissioner for Transport (C for T) had reservation on the applications and considered that permitting such type of Small House developments outside the “Village Type Development” (“V”) zone would set undesirable precedent cases and the resulting cumulative adverse traffic impact could be substantial;
 - (iii) the Chief Town Planner/Urban Design and Landscape, PlanD (CTP/UD&L, PlanD) had reservation on application No. A/NE-MUP/106 as the site was not close to the “V” zone of Man Uk Pin Village and objected to application No. A/NE-MUP/107 as the site was in close proximity to the woodland, and site formation and construction works of the proposed Small House might disturb the woodland with no tree protection measures being provided by the applicant; while he had no objection to application No. A/NE-MUP/108. Approval of these two applications might set undesirable precedent cases for similar applications to extend village development into the “Agriculture” (“AGR”) zone; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, four same sets of public comments were received for the three applications.

One from a North District Council member supported the applications as it would bring convenience to the villagers. The other three from Kadoorie Farm and Botanic Garden Corporation, the World Wide Fund for Nature Hong Kong and a local resident objected to the applications mainly on the grounds that the proposed Small House developments were not in line with the planning intention of the “AGR” zone; the proposed developments would result in adverse impact on the watercourse nearby; Small Houses should be developed within the “V” zone; and approval of the applications would set undesirable precedents for similar applications in the future. No local objection was received by the District Officer (North); and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. The proposed Small Houses were not in line with the planning intention of the “AGR” zone, and did not meet the Interim Criteria for consideration of application for NTEH/Small Houses in New Territories as land was still available within the “V” zone of Man Uk Pin Village for Small House developments. DAFC and C for T did not support the applications; while CTP/UD&L, PlanD did not support Application No. A/NE-MUP/107 as approval of these two applications might set an undesirable precedent for extending village development in the “AGR” zone and disturbing the rural environment. There were also adverse public comments on the applications.

37. Members had no question on the application.

Deliberation Session

38. After deliberation, the Committee decided to reject the three applications. Members then went through the reasons for rejection as stated in paragraph 12 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 “Agriculture” zone in the Man Uk Pin area which is primarily to retain and

safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” zone of Man Uk Pin Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

For Application No. A/NE-MUP/107 only

- (c) “the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House development would cause adverse landscape impact on the surrounding area. Approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the surrounding environment.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/67 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lot 1574 S.B ss.2 in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/67)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view; and other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. A North District Council member stated that no comment on the application, while the Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” zone; agricultural land should be retained to safeguard the potential agricultural activities; no environmental and traffic impact assessments had been submitted; and approval of the case would set an undesirable precedent. Another two public objections were received from local villagers of Kai Leng and Ping Kong Villages mainly on the grounds that the site fell within the village area of Ping Kong; village land should be reserved for indigenous villagers; and no local consultation had been made. No local objection was received by the District Officer (North); and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for

NTEH/Small House in New Territories in that there was insufficient land within the “Village Type Development” zone of Kai Leng to meet the Small House demand. Hence, sympathetic consideration could be given to the application. To address the concern of CTP/UD&L, PlanD, an approval condition on the submission and implementation of tree preservation and landscape proposals was recommended. Regarding the adverse public comments, government departments’ comments and planning assessments above were relevant. With respect to the allegation of some local villagers that the site should be reserved for the development of Small Houses by Ping Kong villagers, it should be noted that the site fell within the village ‘environ’ of Kai Leng Village.

40. Members had no question on the application.

Deliberation Session

41. 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 28.11.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage

Services Department that the site is in an area where no public sewerage connection is available;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows:
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that any access road leading from Yu Tai Road to the site is not maintained by HyD;
- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposal to plant one number of *Bauhinia blakeana* and some *Hibiscus rosa-sinensis* is not reasonably compensating the loss of greenery. The applicant may consider to explore opportunities to plant some more small to medium-sized trees along the eastern boundary of the site; and

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

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-STK/6 Proposed Temporary Public Vehicle Park for Coaches and Private Cars for a Period of 3 Years in “Recreation” zone, Lots 423 S.B RP (Part) and 424 (Part) in D.D. 41 and adjoining Government Land, Sha Tau Kok

(RNTPC Paper No. A/NE-STK/6)

43. The Secretary reported that on 12.11.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments of the Transport Department. This was the first time that the applicant requested for deferment.

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/490 Renewal of Planning Approval for Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 1507 S.B RP (part) , 2022 S.B RP (part), 2036 (part), 2037-2039, 2040 (part), 2041 (part) and 2042 (part) in D.D.76 and Adjoining Government Land, Leng Tsai , Sha Tau Kok Road, Fanling

(RNTPC Paper No. A/NE-TKL/490)

Presentation and Question Sessions

45. 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) renewal of planning approval for temporary open storage of construction materials for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site and environmental nuisance was expected. Other concerned government departments have no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, one public comment was received from a North District Council member who objected to the application on the ground that the open storage would have adverse traffic and environmental impacts on residents living in Hung Leng Village, Leng Tsai Village and Kan Tau Tsuen. No local objection was

received by the District Officer (North).

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that DEP's concern and the public comment on the environmental impact could be addressed by imposing relevant approval conditions. The application also generally complied with Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there were no material change in the proposed schemes, no change in the planning circumstances and the approval period sought was not unreasonable. There had been no major change in the planning circumstances for the area since the approval of the previous applications. Regarding the adverse public comments, government departments' comments and planning assessments above were relevant.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 10.12.2014 to 9.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 6:00 p.m. and 8:30 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed, as proposed by the applicant, on the site during the planning approval period;

- (c) no workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within five metres from the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the peripheral fencing and paving of the site shall be maintained at all times during the planning approval period;
- (f) the existing trees and landscaping planting on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities implemented under application No. A/NE-TKL/377 on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.5.2015;
- (i) the submission of proposals on fire-fighting access, water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.5.2015;
- (j) in relation to (i) above, the provision of fire-fighting access, water supplies for fire fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.8.2015;
- (k) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.1.2015;

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

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department that the owner(s) of the lots should be advised to apply to his office for Short Term Waivers (STWs) and Short Term Tenancy (STT) for the regularization of the structures erected and occupation of government land. There is no guarantee that the STWs and STT will be granted to the applicant(s). If the STWs and STT are granted, they will be made subject to such terms and conditions to be imposed including the payment of STW fees and STT rental;
- (b) to note the comments of the Director of Fire Services that:
 - (i) to address the approval condition on the provision of fire extinguisher(s), the applicant is required to submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance of the condition;
 - (ii) 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 Centralized Processing System of the Buildings Department (BD), the applicant 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
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the site is located within the flood pumping gathering ground; and
- (e) 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 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 of BD should be obtained, otherwise they are

Unauthorized Building Works (UBW). An Authorized Person shall be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the Building (Planning) Regulations (B(P)Rs) 5 and 41D respectively; and
 - (vi) presumably the Site abuts a specified street (Sha Tau Kok Road) of not less than 4.5m wide, and as such, the development intensity shall not exceed the permissible as stipulated under the First Schedule of the B(P)R; and
- (f) 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."

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The applied uses generally complied with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D). A temporary approval of 3 years was recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

51. Members had no question on the application.

Deliberation Session

52. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the submission of the fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2015;
- (b) the implementation of the 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 28.5.2015; and
- (c) if any of the above planning condition (a) or (b) 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.”

53. 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 premises;

- (b) a temporary approval of three years is given in order to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the premises will not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given to any further application;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the premises shall not be adversely affected. The subdivision of the unit/premises should comply with the provisions of BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to coordinate the building works, if any;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion are available for the subject unit. Regarding matters related to fire resisting construction, the applicant is advised to comply with the Code of Practice for Fire Safety which is administered by the Building Authority; and
- (g) refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order

to comply with the approval condition on the provision of fire service installations.”

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/860 Proposed Shop and Services (Retail Shop and Repair of Computer),
and Office in “Industrial” zone, Workshop F3, G/F, Century Industrial
Centre, 33-35 Au Pui Wan Street, Sha Tin
(RNTPC Paper No. A/ST/860)

54. The Secretary reported that Professor K.C. Chau had declared an interest in this item as he owned a residential property in Fo Tan which was near the site. Members noted that Professor K.C. Chau had tendered apologies for being unable to attend the meeting.

[Ms Anita W.C. Ma returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed shop and services (retail shop and repair of computer) and office;
- (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 public inspection period, one public comment was received from the Chairman of the Sha Tin Rural

Committee who had no comment on the application. No local objection was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The uses under application generally complied with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D) including the fire safety and traffic aspects. A temporary approval of 3 years was recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the provisions of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.8.2015; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

- (b) a temporary approval of three years is given in order to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the premises will not be jeopardized;
- (c) apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied uses;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that :
 - (i) the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop shall not be adversely affected; and
 - (ii) the subdivision of the unit/premises should comply with the provisions of the BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any; and
- (e) to note the comments of the Director of Fire Services that :
 - (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in Code of Practice for Fire Safety in Buildings 2011 which is administered by BD.”

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 19

Section 16 Application

[Open Meeting]

Y/YL-NSW/3 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To rezone the application site from "Open Storage" to "Commercial", Lot 1743 S.C RP (Part) in D.D. 107 to the south of Wing Kei Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-NSW/3)

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

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

Ms Janice W.M. Lai - having current business dealings with SHK, AECOM and Urbis;

Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM, AGC, Environ and Urbis;

Professor S.C. Wong - having current business dealings with AECOM; and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong

Kong (HKU) and the former Director of the Institute of Transport Studies of HKU where AECOM had sponsored some activities of the Department and the Institute;

Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK; and

Ms Christina M. Lee - being the Director of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK.

60. Members noted that Dr Eugene K.K. Chan and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting. As Professor S.C. Wong had no involvement in the application, Members agreed that he could stay in the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Ms Janice W.M. Lai and Mr Ivan C.S. Fu could also stay in the meeting but should refrain from participating in the discussion.

[Dr David Y.T. Lui returned to join the meeting at this point.]

61. The Secretary reported that on 13.11.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare responses to address departmental comments. This was the first time that the applicant requested for deferment.

62. 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 Ernest C.M. Fung (Senior Town Planner/Fanling, Sheung Shui and Yuen Long East) (STP/FSYLE) was invited to the meeting at this point.]

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/240 Proposed Public Utility Installation (Electricity Substation) and
Excavation of Land in “Village Type Development” zone, Lot 4142 S.I
in D.D. 104, Chuk Yuen Tsuen, Yuen Long
(RNTPC Paper No. A/YL-MP/240)

Presentation and Question Sessions

63. Mr Ernest C.M. Fung, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed public utility installation (electricity substation);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection was received by the District Officer (Yuen Long); and

[Professor Eddie C.M. Hui returned to join the meeting and Dr C.P. Lau left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed electricity substation was in line with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C).

64. Members had no question on the application.

Deliberation Session

65. 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 28.11.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

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

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The site is accessible to Ha Chuk Yuen Road via a private land and government land (GL). His Office provides no maintenance works for the GL involved and does not guarantee

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

- (b) to note the comments of the Director of Environmental Protection that as the proposed electricity substation is located in close proximity to village houses, the applicant should be advised to take appropriate measures to avoid noise nuisance arising, such as locating openings of the proposed electricity substation away from sensitive receivers should the application be approved;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the existing access road and a bridge structure connecting the site and Ha Chuk Yuen Road are not and will not be under HyD's maintenance;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should be advised that the development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas, etc and the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the applicant's lot boundary before commencement of the drainage works;
- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of

occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Formal submission under the BO is required for any proposed new works, including the substation structure. Detailed checking of plans will be carried out upon formal submission of the building plans;

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

- (h) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance of the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the applicant must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities.”

Agenda Item 21

Section 16 Application

[Open Meeting]

A/YL-ST/454 Temporary Open Storage of Recyclable Metal with Ancillary Office for a Period of 3 Years in “Residential (Group D)” zone, Lot 156 S.B RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/454)

67. The Secretary reported that on 7.11.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information in response to the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department. This was the first time that the applicant requested for deferment.

68. 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.

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

[The Chairman thanked Mr Ernest C.M. Fung for his attendance to answer Members' enquires. He left the meeting at this point.]

[Dr Rowena M.F. Lee and Mr Kevin C.P. Ng (STPs/FSYLE) were invited to the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/445 Further Consideration of the 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/445C)

69. The Secretary reported that the following representatives from the Food and Environmental Hygiene Department (FEHD) were invited to attend the meeting together with Dr Rowena M.F. Lee, STP/FSYLE:

- Mr. CHAN Ka Kui (Chief Health Inspector 1)
- Mr Chiang Fat Kwai (Chief Health Inspector (Licences) New Territories)

Presentation and Question Sessions

70. With the aid of a PowerPoint presentation, Dr Rowena M.F. Lee, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

Background

- (a) on 22.5.2014, the applicant sought planning permission for the proposed temporary offensive trades – lard boiling factory for a period of 5 years at the site which was zoned “Industrial (Group D)” on the draft Kam Tin North Outline Zoning Plan (OZP) No. S/YL-KTN/8;

- (b) on 12.9.2014, the Rural and New Town Planning Committee (the Committee) considered the application. Members were concerned about the cumulative air/odour and water quality impacts arising from the proposed development on the surrounding areas. Since the applicant would be required to obtain a Specified Process (SP) Licence under the Air Pollution Control Ordinance (APCO) and Discharge Licence under the Water Pollution Control Ordinance (WPCO), and the necessary licence for the lard boiling factory from FEHD, the Committee agreed to defer making a decision on the application pending information from the applicant on the proposed location for sewage disposal, as well as from the Environmental Protection Department (EPD) and FEHD on their respective licensing requirements for offensive trades, and the monitoring mechanism upon issue of the licences;

Further Information

- (c) on 20.10.2014 and 14.11.2014, the applicant submitted further information on the location and arrangement of the sewage disposal for the proposed development which were summarised as below:
 - (i) the sewage generated from the factory consisted of general cleansing water for the lard boiling process, and soil and waste water from the toilets;

 - (ii) the soil and waste water from the toilets would be drained to a septic tank and soakaway pit;

- (iii) as for the cleansing water for the lard boiling process, they would be discharged via an underground grease trap and stored in an underground holding tank; and
 - (iv) the applicant would periodically employ Licensed Contractor to collect the waste water from the holding tank and septic tank and transport to the Pillar Point Sewage Treatment Works in Tuen Mun for appropriate treatment;
- (d) further information on licensing requirements and monitoring mechanisms was set out in paragraph 3 and Appendix F-VIII of the Paper and was summarised as below:
- (i) SP Licence under APCO – the Director of Environmental Protection (DEP) advised that the applicant of the SP should use the best practicable means (BPM) for preventing emission of noxious or offensive emission and an air pollution control plan (APCP) might be required from the applicant setting out possible emissions, the affected area and the possible mitigation measures to minimize potential air pollution. In considering the application for the SP Licence, EPD would assess the capability of the applicant to achieve the BPM, the Hong Kong Air Quality Objectives (AQO) and whether the emission would be prejudicial to health;
 - (ii) Discharge Licence under WPCO – the applicant needed to provide information on estimated water consumption and drainage layout plan. EPD would consider the government water quality objectives and any possibility of endangering public health in granting the licence;
 - (iii) Monitoring Mechanisms by EPD – authorised officers might carry out inspections to ensure the compliance of the discharge and the licensee might be required to conduct self-monitoring and report any non-compliances at an early stage. Should the licence requirements

for SP and Discharge Licence not be complied with, EPD might cancel or vary the licence;

- (iv) Cumulative Air Impact Assessment – EPD expressed concern on having a third lard boiling factory in close proximity to two other lard boiling factories in Fung Kat Heung, of which one was in operation and one was still under planning. The applicant might be required to carry out a cumulative air impact assessment during the SP Licence application stage. The approval of the application under the Town Planning Ordinance (TPO) did not absolve the responsibility of the applicant in meeting the requirements under other relevant pollution ordinances such as WPCO and APCO;
- (v) Offensive Trade Licence – plans showing the final layout of the premises would be required for approval of FEHD. The actual licensing requirements/ conditions to be imposed were subject to the nature and the content of the application. FEHD would assess the application based on the safety and suitability of the premises to be used as a lard boiling factory and the compliance of the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions;
- (vi) Monitoring Mechanisms by FEHD – FEHD would regularly inspect and check the hygiene conditions and its compliance with the stipulated licensing conditions and requirements. In case there was any breach of the Public Health and Municipal Service Ordinance and Offensive Trade Regulation, prosecution action would be taken; and
- (vii) according to the record of relevant government departments, the application for Offensive Trade Licence (re. boiling of lard) at the site was still under processing by FEHD. A letter of requirement was issued to the applicant for compliance in June 2012. In October 2014, the applicant was requested to provide information to

meet the outstanding requirements. As for licences under APCO and WPCO, EPD had no record of application so far;

The Planning Department (PlanD)'s Views

- (e) PlanD maintained its view that the application could be tolerated for a period of 5 years based on the assessments set out in paragraph 4 of the Paper. DEP and CE/MN of DSD had no adverse comment on the sewerage treatment proposal provided by the applicant. According to the licencing requirements of EPD and FEHD, the proposed use would be subject to enforcement actions under the relevant ordinances if the licence requirements were not complied with. The applicant might also be required to carry out a cumulative air impact assessment under the SP Licence application stage.

71. A Member was concerned about the cumulative air impacts of the proposed lard boiling factory and considered that the Committee should grant planning approval to the application only if it had obtained the approval of all necessary licenses from relevant government departments. In response, Dr Rowena M.F. Lee said that even if the planning approval was obtained from the Committee, the applicant would need to apply the SP Licence under WPCO and APCO prior to commencement of the factory operation. The applicant might be required to carry out a cumulative air impact assessment during the SP Licence application stage. Subject to the assessment result, EPD could either approve or disapprove the licence application.

72. Another Member asked whether the lard boiling factory under the application would have to comply with the latest AQO. In response, Dr Lee said relevant government departments would follow the latest standards and requirements in consideration of the licence application. Mr Victor W.T. Yeung, Principal Environmental Protector Officer (Strategic Assessment), EPD confirmed that the latest AQO would be adopted and supplemented that odour impact was also one of the major assessment criteria in consideration of the licence application.

Deliberation Session

73. A Member reiterated that it was not appropriate for the Committee to approve the application as the lard boiling factory had not yet obtained all necessary licenses, and the cumulative air impact assessment still had not been conducted yet, which EPD was concerned about. In response, the Secretary said that at the planning application stage, the main focus would be on the land use compatibility. Once the planning approval had been obtained, the applicant was still required to fulfil the licensing requirements from relevant licensing authorities. Concerned government departments would object to the planning application when it was circulated for departmental comments if there was insurmountable problem. In the subject application, relevant government departments had raised no objection to the application.

74. A Member considered that given there were already two lard boiling factories in the vicinity, it would be appropriate to consider the cumulative impact of the third one. In response, Mr Yeung said that EPD would consider the licence application when the applicant submitted more details under the APCO. He concurred that as the lard boiling factory was a kind of polluting uses, Members should consider whether an additional lard boiling factory should be approved in the area.

75. A Member asked whether the lard boiling factory would be able to operate if the licence application under the APCO was not approved. In response, Mr Yeung reiterated that the approval of the application did not absolve the responsibility of the applicant in meeting the requirements under other relevant pollution ordinances. He added that lard boiling factory with a processing capacity exceeding 250 kg per hour was under the control of EPD.

76. In responses to the Vice-chairman's query on the suitability of the site for the lard boiling factory from the environmental point of view, Mr Yeung said that a guidance note on the BPM for the lard boiling factory had been formulated to provide guidance on air pollution management for such factory and serve as a guide for the assessment of an application for SP Licence under the APCO. In consideration of the licence application, EPD might require the applicant to submit assessment to ensure that the lard boiling factory would not cause any

insurmountable air pollution impact. If the applicant could not fulfil the necessary licencing requirement, EPD would not approve the licence application.

77. A Member considered that the site was suitable for lard boiling factory use. Regarding the cumulative environmental impact, he considered that this could be dealt with at the licence application stage.

78. In response to a Member's query on whether EPD had conducted any initial assessments on the air quality of the area with three lard boiling factories in operation, Mr Yeung said that one lard boiling factory had already obtained the SP Licence while another lard boiling factory was applying for the licence. For the third one, there was no information at this stage. However, the applicant might be required to conduct a cumulative air impact assessment during the licence application stage.

79. The Vice-chairman concluded that the concern on cumulative impact would be addressed at the licence application stage and given there were no objection to the proposed use from relevant government departments, the application could be approved on a temporary basis. Members agreed.

80. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 28.11.2019, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the delivery time is restricted to 8:30 a.m. to 2:30 p.m and operation hours of the factory are restricted to 8:30a.m. to 5:30 p.m., as proposed by the applicant, during the planning approval period;
- (b) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (c) the submission of the record of the existing drainage facilities on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.2.2015;

- (d) the implementation of the tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (f) if any of the above planning conditions (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) note the comments of the Director of Environmental Protection that the current application is for a lard boiling factory which belongs to an offensive trade. The applicant is reminded that such application would require a Discharge Licence and a Specified Process (SP) Licence under the Water Pollution Control Ordinance (WPCO) and Air Pollution Control Ordinance (APCO) respectively. He has concern on having a third lard boiling factory in close proximity to other lard boiling factories in Fung Kat Heung, in which one is in operation and one is still under planning. The applicant may be required to carry out a cumulative air impact assessment during the SP Licence application process. The approval of the application under the Town Planning Ordinance does not absolve the responsibility of the applicant in meeting the requirements under other relevant pollution ordinances such as WPCO and APCO. The applicant should also be reminded that it is his duty and responsibility to provide proper facility and treat the effluent and waste generated and dispose them in full compliance with the relevant legislative requirements;
- (b) note the comments of the Food and Environmental Hygiene Department that the proposed development is required to obtain an offensive trade licence. The Director of Food and Environmental Hygiene (DFEH) will

process the licence application only when the premises are safe and suitable for use as a lard boiling factory by the relevant departments. Such licence will be issued if the prescribed hygiene standards, building structure, fire safety, lease conditions and planning restrictions are complied with. A set of licensing requirements / conditions are in Appendix F-VIII of the Paper. The actual licensing requirements/ conditions to be imposed are subject to the nature and the content of the application. The licensee should observe all licensing requirements and conditions at all times and abide by the relevant legislation. DFEH will also carry out regular inspection to check the hygiene conditions and the compliance with the licence requirements. If the licence requirements are not fulfilled, the applicant would be subject to prosecution actions under the Public Health and Municipal Service Ordinance and Offensive Trade Regulations.”

[The Chairman thanked FEHD’s representatives, Mr Chan Ka Kui and Mr Chiang Fat Kwai, for their attendance to answer Members’ enquires. They left the meeting at this point.]

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

[Ms Anita W.C. Ma, Mr Ivan C.S. Fu and Mr Frankie W.P. Chou left the meeting, and Mr K.K. Ling returned to join the meeting at this point.]

82. The Chairman took over the chairmanship of the meeting at this point.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/453 Temporary Open Storage of Miscellaneous Materials and Warehouse
for a Period of 3 Years in “Agriculture” zone, Lot 922 in D.D. 107,
Fung Kat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/453)

Presentation and Question Sessions

83. Dr Rowena M.F. Lee, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary open storage of miscellaneous materials and warehouse for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major comments were summarised as below:
 - (i) the Director of Environment Protection did not support the application as there were sensitive receivers, i.e. residential structures located to the west and in the vicinity of the site, and environmental nuisance was expected;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application from the landscape planning point of view as the applied open storage and warehouse was considered not compatible with the existing rural village and farmland landscape in the vicinity;
 - (iii) the Director of Agriculture, Fisheries and Conservation did not support the application from the agricultural point of view as the agricultural activities in the vicinity of the site were very active and the site had high potential for agricultural rehabilitation; and
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, two

public comments from Kadoorie Farm and Botanic Garden Corporation and the World Wide Fund for Nature Hong Kong objecting to the application were received, mainly on the grounds that the land in the “Agriculture” (“AGR”) zone at Fung Kat Heung was still suitable for farming; the development was not in line with the planning intention of the “AGR” zone; no similar applications had been approved in the immediate vicinity of the site; the approval of the application would set an undesirable precedent; the cumulative effect of approving such similar applications would have adverse impacts on the environment and infrastructure provision of the area, as well as leading to loss of agricultural land; and it was a suspected “Destroy First and Build Later” case. No local objection was received by the District Officer (Yuen Long); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The development for temporary open storage of miscellaneous materials and warehouse was not in line with the planning intention of the “AGR” zone, and no strong planning justification had been given in the submission to justify for a departure from the planning intention. Moreover, no information was provided to demonstrate why suitable site within the “Industrial (Group D)” zone to the further north could not be made available for the proposed development. The development was not compatible with the surrounding land uses which were rural in character and the nearby open storage/storage yards and parking lots were all suspected unauthorized developments. The application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no previous approval for open storage use granted at the site and there were adverse departmental comments and public objections against the application. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone, and the cumulative effect of approving such applications would result in general degradation of the rural environment of the area.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were:

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the development is not compatible with the surrounding land uses which are rural in character predominated by residential dwellings/structures and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comments and public objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into the “AGR” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.”

[The Chairman thanked Dr Rowena M.F. Lee, STP/FSYLE, for her attendance to answer Members’ enquires. She left the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-PH/706 Proposed Houses with Minor Relaxation of Building Height, Filling and Excavation of Land in “Residential (Group D)” zone, Lots 1691 RP (Part) and 1691 S.E in D.D. 114 and Adjoining Government Land, east of Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/706)

86. The Secretary reported that CKM Asia Ltd. (CKM) and Landes Ltd. (Landes) were two of the consultants of the application. The following Members had declared interests in this item:

Ms Janice W.M. Lai
Mr Ivan C.S. Fu

} having current business dealings with Landes; and

Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) and the former Director of the Institute of Transport Studies of HKU where CKM had sponsored some activities of the Department and the Institute.

87. Members noted that Mr Ivan C.S. Fu had left the meeting already. As the applicant had requested for a deferral of consideration of the application, and the interest of Professor S.C. Wong was indirect and Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

88. The Secretary reported that on 14.11.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments raised by relevant departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/8 Social Welfare Facility (Residential Care Home for Persons with Disabilities) in "Village Type Development" zone, Lots 1380 (part), 1385 S.B (part), 1385 S.C (part), 1387 S.B (part), 1387 S.C (part), 1387 RP (part) in D.D. 95 and adjoining Government Land, Ho Sheung Heung, Sheung Shui
(RNTPC Paper No. A/KTN/8)

Presentation and Question Sessions

90. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) social welfare facility (Residential Care Home for Persons with Disabilities (RCHD));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, one public comment was received from the North District Council (NDC) member raising no comment on the application. No local objection was received by the District Officer (North), but one Indigenous Inhabitant Representative of Ho Sheung Heung expressed the views that the operator of the RCHD should look after the hygiene and sewage of the facility and the management of the RCHD residents, whom were spotted loitering nearby the RCHD previously; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the local concerns on the hygiene and sewage of the site, concerned departments including the Food and Environmental Hygiene Department and the Drainage Services Department had no objection to the application. The concerns could also be addressed by imposing an approval condition on the submission and implementation of drainage proposal should the application be approved. To prevent residents of the RCHD loitering nearby areas, the applicant had provided clarification on the management of the RCHD.

91. Members had no question on the application.

Deliberation Session

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

- “(a) submission and implementation of drainage proposal within 9 months from the date of approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.8.2015;

- (b) provision of fire service installations and water supplies for fire fighting within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 28.8.2015;
- (c) submission and implementation of landscape proposal within 9 months from the date of approval to the satisfaction of the Director of Planning or of the TPB by 28.8.2015; and
- (d) if any of the above planning conditions (a), (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the owners of the lots/operators of the facility shall apply to LandsD for Short Term Waivers and Short Term Tenancies to cover the temporary structures. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such applications will be approved. If such applications are approved, they will be subject to such terms and conditions, including but not limited to payment of fees and premium, to be imposed by LandsD. If such applications are not approved, or the terms and conditions are not accepted, the owners/operators may be required to remove the temporary structures even if planning permission is granted;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
- (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Building Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of 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 BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purpose are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
 - (vi) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under

Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the site is located within flooding pumping gathering ground;
- (f) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement shall comply with Section 6, Part D of the “Code of Practice for Fire Safety in Buildings 2011” administered by BD. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities of the proposed development;
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Ho Sheung Heung Road to the site is not maintained by his office;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is

necessary;

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/376 Proposed Utility Installation for Private Project (Master Water Meter Room and Telecommunications and Broadcasting Room) in “Agriculture” zone, Lot 1494 S.B RP (Part) in D.D. 100, Lin Tong Mei, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/376)

94. The Secretary reported that the application was submitted by Sanyear Investments Ltd., a subsidiary of New World Development Co. Ltd. (New World). Mr Ivan C.S. Fu, who had current business dealings with New World, had declared an interest in this item. Members noted that Mr Ivan C.S. Fu had already left the meeting.

Presentation and Question Sessions

95. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed utility installation for private project (master water meter room and telecommunications and broadcasting room);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site possessed potential for agricultural rehabilitation. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, a total of three public comments were received from two North District Council (NDC) members and World Wide Fund for Nature Hong Kong (WWF). While one of the NDC members supported the application as the proposed development would serve the needs of concerned people, the other NDC member and WWF objected to the application on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; the proposed utility installation was to facilitate a private estate development located to the north-west of the site while the development had not reserved any space for such installation; and the proposed development would affect the surrounding environment and *fung shui*. The District Officer (North) advised that the incumbent NDC member, the Indigenous Inhabitant Representative of Lin Tong Mei and the Resident Representative of Ying Pun objected to the application on the grounds that the proposed development would affect the environment of the surrounding areas and *fung shui*; and the proposed development would change the use of agricultural land and affect the existing Dongjiang water mains within the site; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed utility installation was required to serve the need of about 80

New Territories Exempted Houses in Lin Tong Mei. Regarding the adverse public comments, the proposed development was small in scale and was considered not incompatible with the surrounding land uses. The proposed development would not have significant adverse traffic, environmental, drainage and landscape impacts on the surrounding areas, and concerned government departments had no objection to or no adverse comment on the application, including the Water Services Department.

96. Members had no question on the application.

Deliberation Session

97. 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 28.11.2018, 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 tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of proposals for water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department to apply to his office for a Short Term Waiver (STW) for the proposed structures. There is no guarantee that the application for STW will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of STW fee;
- (b) to note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) as follows:

- (i) the subject utility installations are gross floor area and site coverage accountable under Building (Planning) Regulations (B(P)R) 23(3)(a) and 20 respectively;
- (ii) before any new building works are to be carried out on the site, prior approval and consent from BD should be obtained, otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (iii) for any UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (iv) in connection with paragraph (b)(ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the B(P)R 5 and 41D respectively;
- (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 B(P)R 19(3) at the building plan submission stage;
- (vi) detailed consideration will be made at the building plan submission stage; and
- (vii) in line with the Government's committed policy to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and

site coverage of greenery) should be included, where possible;

- (c) to note the comments of the Commissioner for Transport that the temporary vehicular access adjoining Fan Kam Road and inside Lot 1494 S.B RP in D.D. 100 as shown in the drawing submitted by the applicant is not under his department's management. The land status of the access leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that as there are trees along the boundary of the site, the applicant should adopt good site practice to avoid causing any damage to the existing trees, including their tree roots, in carrying out the proposed excavation works;
- (e) to note the comments of the Director of Electrical and Mechanical Services as follows:

the applicant shall approach the electricity supplier for the requisition of cable plans (an overhead line arrangement 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 relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, the applicant shall carry out the following measures:

- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, 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 structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (f) to note the comments of the Director-General of Communications that the access facilities for telecommunications and broadcasting services should be provided in accordance with requirements specified in the Practice Note for Authorized Persons and Registered Structural Engineers APP-84 as well as the “Code of Practice for the Provision of Access Facilities in Buildings for the Supply of Telecommunications and Broadcasting Services” issued by the Office of Communications Authority;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) since the proposed master water meter room matter relates to the plumbing design of the associated inside service pipes, the applicant should submit the design and the relevant documents with a duly completed WWO 542 Form (Application for Water Supply / Request for Work to be Carried Out by the Water Authority) for his vetting prior to construction of any inside service works; and
 - (ii) the site is located within the flood pumping gathering ground;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should ensure that no works,

including any site formation works, shall be carried out as may adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the site any time during or after the works;

- (i) to note the comments of the Director of Health that according to World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely radiofrequency electromagnetic fields, such as those generated by telecommunication facilities would not pose any significant adverse effects to workers and the public. As such, the applicant must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new telecommunication facilities; and
- (j) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/377 Proposed Minor Relaxation of Maximum Plot Ratio Restriction (from 0.4 to 0.48) for Permitted Private Residential Development in “Residential (Group C) 2” zone, Government Land at ex-Kin Tak Public School, Fan Kam Road, Sheung Shui
(RNTPC Paper No. A/NE-KTS/377)

99. The Secretary reported that the application was submitted by the Lands Department (LandsD). Mr Edwin W.K. Chan who was the Assistant Director/Regional 3, LandsD and Ms Janice W.M. Lai who had current business dealings with LandsD had a

direct interest on this application. The Committee agreed that Mr Edwin W.K. Chan and Ms Janice W.M. Lai should be invited to leave the meeting temporarily.

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

Presentation and Question Sessions

100. Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed minor relaxation of maximum plot ratio restrictions (from 0.4 to 0.48) for permitted private residential development;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received from two North District Council (NDC) members and village representatives of Lin Tong Mei, Cheung Lek, Tsiu Keng and Ying Pun. One of the NDC member had reservation on the application and indicated that nearby villagers should be consulted. The other NDC member and the group of village representatives objected to the application on the grounds that the premises of the ex-Kin Tak Public School should be preserved and revitalized for community hall and community centre as these facilities were absent in the villages; and the proposed residential development would worsen the traffic conditions in the vicinity and affect the livelihood of nearby villagers. The District Officer (North) (DO(N)) advised that the incumbent NDC member, the Indigenous Inhabitant Representative (IIR) of Lin Tong Mei, the Resident Representative (RR) of Ying Pun, the IIR of Cheung Lek, the RR of Tsiu Keng and the Manager of the Customer Service Centre of The Green

objected to the application on *fung shui* ground and the same objection reasons raised by the NDC member and the village representatives above; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Regarding the local objections against the application on the ground that the premises of ex-Kin Tak Public School should be revitalized for community hall and community centre, concerned government departments had been consulted when the site was proposed to be rezoned from “Government, Institution or Community” (“G/IC”) and “Agriculture” to “Residential (Group C) 2” in December 2012. Concerned departments had no intention to reserve the site for G/IC. Besides, the demand for community hall and community centre could be met by sharing those facilities in the nearby areas. DO(N) was now working with relevant departments to identify suitable sites for developing a community hall for the district. Regarding the concern on adverse traffic impact in the area, the Commissioner for Transport considered that the additional traffic impact resulting from the additional increase of seven flats was minimal and could be accommodated by the existing road network. For the concern on *fung shui*, it was not a material planning consideration.

101. Members had no question on the application.

Deliberation Session

102. 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 28.11.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions:

- “(a) the inclusion of the tree preservation and landscape master plan clauses in the lease conditions of the site to the satisfaction of the Director of Planning

or of the TPB;

- (b) the inclusion of the requirements for undertaking noise impact assessment and sewage impact assessment in the lease conditions of the site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the inclusion of the requirement of designation of a waterworks reserve area in the lease conditions of the site to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the inclusion of the requirements for providing fire service installations and water supplies for fire fighting in the lease conditions of the site to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to reflect the intention to preserve the two numbers of *Cinnamomum camphora* (樟樹) near the north-western boundary of the site in the land sale conditions / document;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) the sustainable building design requirements and pre-requisites under Practice Note for Authorized Persons and Registered Structural Engineers (PNAP) APP 151 and 152 for gross floor area (GFA) concessions would be applicable to the development in the site. In this connection, any non-mandatory or non-essential plant rooms of the development may not be accountable for GFA under the Buildings Ordinance (BO) subject to their compliance with the above PNAPs. Besides, any covered carparks may also be accountable for GFA under the BO subject to their compliance with PNAP APP 2; and

- (ii) in line with the Government's committed policy to foster a quality and sustainable built environment, sustainable building design elements (including building separation, building setback and site coverage of greenery) should be included, where possible. In this connection, the Sustainable Building Design Guidelines set out in the PNAP APP152 may only be implemented in the building plan approval stage under the BO when the proposed building developments apply for GFA concessions for green/amenity features and non-mandatory/non-essential plant rooms and services;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
- (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the site is located within the flood pumping gathering ground; and
- (d) to note the comments of the Director of Fire Services as follows:
- (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
 - (ii) the arrangement of emergency vehicular access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by BD."

[The Chairman thanked Dr Rowena M.F. Lee and Mr Kelvin C.P. Ng for their attendance to answer Members' enquires. They left the meeting at this point.]

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

Tuen Mun and Yuen Long West District

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Mr K.C. Kan and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYLW), and Mr Edmond S.P. Chiu, Town Planner/Tuen Mun and Yuen Long (TP/TMYLW) were invited to the meeting at this point.]

Agenda Item 28

Proposed Amendments to the Approved Lam Tei and Yick Yuen
Outline Zoning Plan (OZP) No. S/TM-LTY Y/6
(RNTPC Paper No. 14/14)

104. The Secretary reported that the proposed amendment items involved rezoning an area occupied by The Sherwood to reflect a completed development (Amendment Item A1), and rezoning an area comprising private land for donation to the Pok Oi Hospital for a proposed elderly care centre (Amendment Item B). Henderson Land Development Ltd. (HLD) was both the developer of The Sherwood and the donor of the private land. The following Members had declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with HLD;
- Mr Ivan C.S. Fu - having current business dealings with HLD;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD;
- Dr W.K. Yau - being the Chief Executive Officer of Tai Po Environmental Association which received a donation from HLD;

- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD;
- Professor S.C. Wong - being an employee of HKU which received a donation from a family member of the Chairman of HLD;
- Dr Eugene K.K. Chan - his spouse being a senior manager in Miramar Hotel and Investment Company Limited which was a subsidiary company in the Henderson Land Group; and being the Convenor of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from HLD; and
- Ms Christina M. Lee - being a Director of the Hong Kong Metropolitan Sports Event Association which had obtained sponsorship from HLD.

105. Members noted that Professor K.C. Chau, Mr H.F. Leung, Dr Eugene K.K. Chan and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu had already left the meeting. According to the procedure and practice adopted by the Town Planning Board (TPB), as The Sherwood and the proposed elderly care centre were only subjects of the amendments to the OZP proposed by the Planning Department (PlanD), the interests of Ms Janice W.M. Lai, Dr W.K. Yau and Professor S.C. Wong on this item only needed to be recorded and they could be allowed to stay in the meeting. Members agreed.

106. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, and Mr K.C. Kan, STP/TMYLW, presented the proposed amendments to the Approved Lam Tei and Yick Yuen Outline Zoning Plan (OZP) No. S/TM-LTYYY/6 as detailed in the Paper and covered the following main points:

Background

- (a) on 21.3.2014, the Rural and New Town Planning Committee (RNTPC) of the TPB agreed in principle that a “Comprehensive Development Area” (“CDA”) development to the west of Fuk Hang Tsuen Road should be rezoned to reflect the completed development (i.e. The Sherwood and Fuk Hang Tsuen Road Garden) and to designate appropriate zonings for the remaining areas at the periphery of the “CDA” zone;
- (b) the 2014 Policy Address announced that the Government would continue to increase the supply of subsidised residential care places for the elderly through a multi-pronged approach including “Special Scheme on Privately Owned Sites for Welfare Uses”. In line with this Government’s initiative, a site to the east of Fuk Hang Tsuen Road was identified for a proposed elderly care centre; and
- (c) opportunity was also taken to rezone the area mainly beneath an elevated section of the completed Kong Sham Western Highway to reflect the ‘Road’ use;

Proposed Amendments to the Matters shown on the OZP

Amendment Item A1

- (d) it was proposed to rezone the area occupied by The Sherwood (about 3.10 ha) from “CDA” to “Residential (Group B) 4” (“R(B)4”) with the following restrictions to reflect the completed development:
 - a maximum domestic gross floor area (GFA) of 74,947 m²;
 - a maximum non-domestic GFA of 3,859 m²; and
 - a maximum building height (BH) of 62 mPD;
- (e) the existing development provided 34 public car parking spaces, eight public goods vehicle parking spaces and two refuse collection points as required by the Government, and the floor space for these facilities had

been disregarded in the calculation of the non-domestic GFA, which would be stated in the Explanatory Statement (ES);

Amendment Item A2

- (f) it was proposed to rezone the area occupied by the Fuk Hang Tsuen Road Garden (about 0.75 ha) from “CDA” to “Open Space” (“O”);

Amendment Item A3

- (g) there was an elongated strip of land abutting the southern boundary of The Sherwood abutting Lam Tei Main Street. Part of this strip of land was originally reserved for a market. However, the Director of Food and Environmental Hygiene had confirmed that the land was no longer required for a market. The remaining parts of this strip of land were occupied by 1 to 2-storey high residential dwellings and vacant structures and comprised private lots under different ownerships;
- (h) since the proposed market was no longer required, the entire strip of land had the potential for development/redevelopment for residential use. It was therefore proposed to rezone this strip of land from “CDA” to “Residential (Group B)” (“R(B)3”) (about 0.39 ha) with the following development restrictions:
- a maximum plot ratio (PR) of 2.1;
 - a maximum site coverage of 40%; and
 - a maximum BH of 36 m (excluding car park) and 12 storeys excluding car park;

Amendment Item A4

- (i) an area abutting Fuk Hang Tsuen Road surrounded by The Sherwood on three sides was mainly occupied by a polyfoam factory and a metal workshop (about 0.46 ha). To encourage redevelopment of the area so as to phase out the factory and the workshop, it was proposed to rezone the

area from “CDA” to “R(B)3” with the following development restrictions:

- a maximum PR of 2.1;
- a maximum site coverage of 40%; and
- a maximum BH of 36 m (excluding car park) and 12 storeys excluding car park;

Amendment Item A5

- (j) an area abutting Castle Peak Road – Lam Tei to the north of Mui Fat Buddhist Monastery was occupied by a second-hand vehicle dealer, a real estate agency and a logistics company with godown (about 0.37 ha). The area would be subject to traffic noise impacts. Commercial use at the area would be more appropriate and would also encourage the development of commercial activities to meet the local needs for retail and commercial facilities. It was proposed to rezone the area to “Commercial” which was subject to:
- a maximum PR of 3.6; and
 - a maximum BH of 12 storeys including carpark (36 m);

Amendment Item B

- (k) an area to the east of Fuk Hang Tsuen Road (about 1.24 ha) comprised mainly private land for donation to the Pok Oi Hospital for a proposed elderly care centre. This proposed development was one of the proposals submitted for consideration under the “Special Scheme on Privately Owned Sites for Welfare Uses”. It was intended to provide about 1,400 elderly care places with ancillary facilities including rehabilitation and treatment. The area was mainly occupied by temporary vehicle parks and a temporary site office;
- (l) the proposed development would have a maximum GFA of 35,000 m² and a maximum BH of 50 mPD. The proposed BH of 50 mPD which was about 12m lower than The Sherwood (with a maximum BH of 61.13 mPD)

to the west and about 12m higher than the elevated Kong Sham Western Highway (with a road surface at about 38 mPD) to the east was considered compatible with the surrounding environment;

- (m) to facilitate the proposed development of elderly care centre, it was proposed to rezone the area from “Residential (Group C)” (“R(C)”), “Government, Institution or Community” (“G/IC”) and “Residential (Group D)” (“R(D)”) to “G/IC(1)” with the following restrictions:
- a maximum GFA of 35,000 m²; and
 - a maximum BH of 50 mPD;

Amendment Item C

- (n) an area, mainly beneath an elevated section of Kong Sham Western Highway, was about 5.27 ha. It was a piece of largely vacant government land currently zoned “R(C)”, “R(D)” and “G/IC”. Opportunity was taken to rezoning the concerned land to an area shown as ‘Road’ to reflect the completed highway;

Proposed Amendments to the Notes of the OZP

- (o) the Notes of the “R(B)” zone were amended to include the remarks for sub-area “R(B)4” to reflect the maximum domestic GFA, maximum non-domestic GFA and maximum BH restrictions;
- (p) the Notes of the “G/IC” zone were amended to include the remarks for sub-area “G/IC(1)” to reflect the maximum GFA and maximum BH restrictions. Provision for minor relaxation of the restriction was also incorporated; and
- (q) the Remarks of the Notes of the “CDA” zone to the west of Fuk Hang Tsuen Road were deleted;

Revision to the ES of the OZP

- (r) the ES of the OZP had been revised to take into account the proposed amendments. Opportunity had also been taken to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP; and

Consultation

- (s) on 2.9.2014, the Tuen Mun District Council (TMDC) was consulted. The TMDC had no objection to the proposed amendments to OZP.

107. In response to the Chairman's query on the development restrictions of the subject "CDA" zone, Mr David C.M. Lam, DPO/TMYLW, said that the "CDA" zone was subject to a maximum domestic PR of 2.0 and a maximum non-domestic PR of 0.11, as well as a BH restriction of 17-18 storeys including the podium (i.e. 61.1mPD).

108. The Chairman noted that the sites under Amendment Items A3 and A4 were proposed to be rezoned from "CDA" to "R(B)3" and Amendment Item A5 to "C" and that the future developers of these three sites would not be required to submit a Master Layout Plan to the TPB for consideration. Mr Lam explained that the sites under Amendment Items A1 and A2 were to reflect the completed development in accordance with the approved MLP of The Sherwood (application No. A/TM-LYTT/110). The public open space had been handed over to the relevant government department for management and maintenance. For Amendment Items A3 and A4, since the area of the concerned sites were small, it was considered not necessary to require the submission of a MLP for the future residential development. For Amendment Item A5, as the site was abutting Castle Peak Road – Lam Tei and subject to traffic noise impacts, commercial use at the site was considered more appropriate.

109. Regarding Amendment Item A3, the Chairman considered that the configuration of the concerned site was narrow and elongated, and residential development might not be the most suitable use. A Member concurred and considered that the future residential development at the concerned site might bring adverse traffic impacts on Lam Tei Main

Street which was a single lane road. In response, Mr Lam said that part of the concerned site, which was originally reserved for a market, had an area of about 1,000m², and was similar to the size of some recent land sale sites in Tuen Mun. It was therefore considered that the concerned site could accommodate a small scale residential development with appropriate design layout. Regarding the concerns on technical feasibility and possible traffic impacts, Mr Lam said that no adverse comments were received from concerned government departments during departmental circulation.

110. The Chairman noted that Amendment Items A1 to A5 were largely to reflect the as-built development. Noting Members' concern on Amendment Item A3, he asked if there would be any implication on the development of the area if Amendment Items A1 to A5 were put on hold pending further study. In response, Mr Lam said that the impact would be minimal, as both the Sherwood (Amendment Item A1) and the public open space (Amendment Item A2) had been developed; while the residual areas in the "CDA" zone (i.e. Amendment Items A3, A4 and A5) were scattered and small which comprised mainly private lots under different ownership, making it difficult for redevelopment.

111. A Member asked if the rezoning of the residual areas to residential and/or commercial use would bring any benefit to the developer of The Sherwood. In response, Mr Lam said that since the residual sites comprised private lots under different ownership and The Sherwood had already been sold, it was considered that the developer would have no particular benefit arising from the rezoning proposals.

112. A Member asked whether it was necessary to rezone the "CDA" site to reflect the completed development. In response, the Chairman said that the rezoning of the "CDA" site upon completion of the development was to facilitate any subsequent changes to the existing development without the need to submit a MLP. An annual review of all the "CDA" sites would be submitted the Town Planning Board (the Board) for consideration to monitor their progress. The Secretary supplemented that the Committee had reviewed the subject "CDA" site on 21.3.2014 and agreed in principle that the subject "CDA" site should be rezoned to reflect the completed development and to designate appropriate zonings for the residual areas of the "CDA" zone.

113. The Chairman suggested and Members agreed that as there was no urgency to

rezone the subject “CDA” site to reflect the existing development, further study should be conducted by relevant government departments to ascertain the most suitable use of the residual area along Lam Tei Main Street.

114. After discussion, the Chairman concluded that Members agreed to delete Amendment Items A1 to A5, and proceed with Amendment Items B and C to the approved Lam Tei and Yick Yuen OZP. Members also agreed that the OZP and its Notes as well as the ES should be suitably amended to reflect the Committee’s decision on Amendment Items A1 to A5.

115. After further deliberation, the Committee decided to:

- (a) agree to delete Amendment Items A1 to A5, and proceed with Amendment Items B and C to the approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6 as set out in paragraphs 4.9 and 4.10 in the Paper;
- (b) agree that the draft Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6B at Attachment II of the Paper (to be renumbered to S/TM-LTYYY/7 upon exhibition) and its Notes at Attachment III of the Paper, after deleting reference to Amendment Items A1 to A5, were suitable for exhibition under the Town Planning Ordinance (the Ordinance);
- (c) adopt the Explanatory Statement (ES) at Attachment IV of the Paper, after deleting reference to Amendment Items A1 to A5, as an expression of the planning intention and objectives of the Town Planning Board for various land use zonings on the OZP; and
- (d) agree that the revised ES was suitable for exhibition together with the draft OZP.

116. Members noted that, as a general practice, the Secretariat of the Board would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be

submitted for the Board's consideration.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM-LTY Y/282 Proposed Flat Development in "Residential (Group E)" zone, Lots 464 S.A ss.1, 464 S.B, 465, 472 S.A RP and 472 S.B RP in D.D. 130, San Hing Road, Lam Tei , Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/282)

117. The Secretary reported that Landes Ltd. (Landes), CKM Asia Ltd. (CKM) and Environ Hong Kong Ltd. (Environ) were three of the consultants of the application. The following Members had declared interests in this item:

- Ms Janice W.M. Lai - having current business dealings with Landes;
- Mr Ivan C.S. Fu - having current business dealings with Environ and Landes; and
- Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) and the former Director of the Institute of Transport Studies of HKU where CKM had sponsored some activities of the Department and the Institute.

118. Members noted that Mr Ivan C.S. Fu had left the meeting already. As the applicant had requested for a deferral of consideration of the application, and the interest of Professor S.C. Wong was indirect and Ms Janice W.M. Lai had no involvement in the application, the Committee agreed that they could be allowed to stay in the meeting.

119. The Secretary reported that on 13.11.2014, the applicant had requested for

deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments from relevant government departments. This was the second time that the applicant requested for deferment.

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

Agenda Item 30

Section 16 Application

[Open Meeting]

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

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

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

- Mr Ivan C.S. Fu - having current business dealings with SHK, Environ and MVA;
- Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK; and
- Ms Christina M. Lee - being the Director of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from SHK.

122. Members noted that Dr Eugene K.K. Chan and Ms Christina M. Lee had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu had already left the meeting. As the applicant had requested for a deferral of consideration of the application, the Committee agreed that Ms Janice W.M. Lai could also stay in the meeting but should refrain from participating in the discussion.

123. The Secretary reported that on 18.11.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address comments from relevant government departments. In particular, the applicant stated that additional time was needed to liaise with relevant government departments for the preparation of necessary supplementary information to further substantiate the application. This was the third time that the applicant requested for deferment.

124. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that a maximum period of two months were allowed for preparation of the submission of further information. Since this was the third deferment of the application and

a total of six months had been allowed for the preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/337 Renewal of Planning Approval for Temporary Private Swimming Pool
for a Period of 3 Years in “Village Type Development” zone, Lots
3314 S.A and 3314 RP in D.D. 120, Sham Chung Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/337)

Presentation and Question Sessions

125. 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) renewal of planning approval for temporary private swimming pool for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board

Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B).

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 10.12.2014 to 9.12.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) the existing trees within the site shall be maintained at all times during the planning approval period;
- (b) the existing drainage facilities implemented on the site shall be maintained at all times during the planning approval period;
- (c) the submission of records of the existing drainage facilities on the site within 3 months from the date of the commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.3.2015;
- (d) if any of the above planning condition (a) or (b) 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
- (e) if the above planning condition (c) 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.”

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

- “(a) resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval of his office. Short Term Waiver Nos. 3179 and 3180 have been issued to allow the erection of structures on Lots 3314 S.A and 3314 RP respectively for the purpose of private swimming pool with associated filtration plant room use. Should planning approval be given, the lot owners concerned will need to apply to his office to permit additional structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and other private land extended from Sham Chung Road. His office does not provide maintenance work to the GL nor guarantees right-of-way;
- (c) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should inform the relevant department(s) if the drainage arrangement on the site has been changed; and
- (d) note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high

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

Agenda Item 32

Section 12A Application

[Open Meeting]

Y/YL-LFS/3

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)”, Lot 1862 (Part) in D.D. 129, Lau Fau Shan, Yuen Long
(RNTPC Paper No. Y/YL-LFS/3)

129. The Secretary reported that the application was submitted by Chun Wo Construction & Engineering Co. Ltd., with CKM Asia Ltd. (CKM) and Environ Hong Kong Ltd. (Environ) as two of the consultants of the application. The following Members had declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with Environ;

Professor S.C. Wong - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) and the former Director of the Institute of

Transport Studies of HKU where Chun Wo Construction & Engineering Co. Ltd and CKM had sponsored some activities of the Department and the Institute;

Ms Christina M. Lee - being the Director of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from Chun Wo Development Limited; and

Dr Eugene K.K. Chan - being the Convenor of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from Chun Wo Development Limited.

130. Members noted that Ms Christina M. Lee and Dr Eugene K.K. Chan had tendered apologies for being unable to attend the meeting, and Mr Ivan C.S. Fu had left the meeting already. As the applicant had requested for a deferral of consideration of the application and the interest of Professor S.C. Wong was indirect, the Committee agreed that he could stay in the meeting.

131. The Secretary reported that on 13.11.2014, the application had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments from the Commissioner of Police. This was the second time that the applicant requested for deferment.

132. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of further information. Since this was the second deferment of the application and a total of four

months had been allowed for the preparation of the submission of further information, no further deferment would be granted unless under very special circumstances.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/920 Temporary Open Storage and Godown (for Ceramic Tableware) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 107 (Part), 110 (Part), 113 (Part), 114 (Part), 115 S.A (Part) and 116 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/920)

Presentation and Question Sessions

133. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary open storage and godown (for ceramic tableware) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity of the site and along the access road (Ping Ha Road), and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the two statutory public inspection periods, no public comment was received. No local objection was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that there was no adverse comment from the concerned Government departments. Although DEP did not support the application, there had not been any environmental complaint against the site over the past 3 years. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions on restrictions of operation hours and workshop activities were recommended.

134. Members had no question on the application.

Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activity is allowed to be carried out on the site at any time during the planning approval period;
- (d) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing

onto/from the public road is allowed at any time during the planning approval period;

- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.2.2015;
- (h) the submission of a tree preservation and landscape proposal, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.2.2015;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.1.2015;
- (k) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2015;
- (l) in relation to (k) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.5.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) 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. The site is accessible to Ping Ha Road through other private lots. His office does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (e) follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;
- (g) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that with reference to the submitted tree preservation and landscape proposal, there are 16 trees within the site and all trees would be preserved. However, according to our site visit, there are 17 trees including 1 dead tree found within the site. Hence, replacement of the dead tree is required;
- (h) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the Paper;
- (i) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works

(including offices and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the 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

- (j) note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site cannot provide the standard fire-fighting flow.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/922 Temporary Logistics Centre for a Period of 3 Years in “Undetermined” zone, Lots 1805 (Part), 1829 (Part), 1830 (Part), 1831 (Part), 1832 (Part) and 1836 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/922)

Presentation and Question Sessions

137. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) temporary logistics centre 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 are sensitive uses along the access road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that there was no adverse comment from the concerned departments. Although DEP did not support the application, there had not been any environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on the restriction on the operation hours, the types of activities, and the type of vehicles entered the site were recommended.

138. Members had no question on the application.

Deliberation Session

139. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, vehicle repair and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no heavy vehicle (i.e. exceeding 24 tonnes) as defined in the Road Traffic Ordinance, and container trailer/tractor is allowed to enter the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing fencing on the site shall be maintained at all times during the planning approval period;
- (g) the implementation of the accepted drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.2.2015;
- (h) the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (i) the implementation of the accepted tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.2.2015;
- (j) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.2.2015;

- (k) in relation to (j) above, the implementation of the fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.5.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) shorter compliance periods are granted to monitor the fulfillment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of

the Government. The site is accessible to Ping Ha Road through other private lots. LandsD does not guarantee right-of-way. Should the application be approved, the lot owner will need to apply to his office to permit structures to be erected or regularize the irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (e) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize the possible environmental impacts on the nearby sensitive receivers;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The land status of the road/path/track leading to the site should be checked with the Lands Authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) note the comments of the Chief Highway Engineer/New Territories West of the Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (h) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be

formulated upon receipt of formal submission of general building plans;

- (i) 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 a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under this application. Before any new building works (including containers/open sheds as temporary structures) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access from a street under Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. If the site is not abutting on a specified street having a width of not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and

- (j) note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant may need to extend his/her inside services to the nearest suitable government water mains for 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."

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/923 Proposed Temporary Vehicle Service Centre for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3138 RP (Part), 3139 (Part), 3141 (Part), 3142, 3143 (Part), 3144 (Part), 3145, 3146, 3148 RP, 3149 RP, 3190 RP, 3198 S.B, 3200 RP (Part) and adjoining Government Land in D.D. 129, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/923)

Presentation and Question Sessions

141. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary vehicle service centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in the vicinity (the nearest residential dwellings are about 55m away) and along the access roads and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary vehicle service centre could be tolerated for a period of 3 years

based on the assessments set out in paragraph 12 of the Paper. The proposed use was not in line with the planning intention of the “Comprehensive Development Area” (“CDA”) zone. However, there was not yet any programme/known intention to implement the “CDA” zone. Therefore, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone. The development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that there was no adverse comment from the concerned departments. Although DEP did not support the application, there was no substantiated environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions of restriction on the operation hours and no vehicle sparing activity were recommended.

142. Members had no question on the application.

Deliberation Session

143. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) no vehicle spraying activities, as proposed by the applicant, is allowed on

the site at any time during the planning approval period;

- (e) the implementation of the accepted drainage facilities within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by 28.5.2015;
- (f) the drainage facilities implemented on-site should be maintained at all times during the planning approval period;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.8.2015;
- (i) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.5.2015;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.8.2015;
- (k) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) prior planning permission should have been obtained before commencing the development on the site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No permission has been given for the occupation of the government land (GL) (about 105m² subject to verification) included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Lau Fau Shan on GL. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. The applicant has to either exclude the GL portion from the site or apply for formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (d) follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site.;
- (f) note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
- (g) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed tree planting is considered minimal. The applicant should consider settling back structure 1 and structure 3 to provide tree planting along the southern and northern boundaries of the site. Hence, revised tree preservation and landscape proposal should be submitted;
- (h) note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix III of the Paper;
- (i) note the comments of the Chief Building Surveyor/New Territories West,

Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers/open shed as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. Each site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage (pending); and

- (j) note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicant should obtain the Building Authority's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/924 Proposed Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 1103 RP (Part), 1104 RP, 1105, 1106 (Part), 1107 (Part), 1131 (Part), 1132 (Part), 1138 (Part), 1139 S.A RP, 1139 RP (Part), 1140 (Part), 1141 RP, 1142, 1143 RP (Part), 1145 (Part), 1146 (Part), 1153 (Part), 1154 RP (Part), 1155 (Part) and 1169 RP (Part) in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/924)

Presentation and Question Sessions

145. Mr Edmond S.P. Chiu, TP/TMYLW, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) proposed temporary open storage of construction machinery and construction material and ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in vicinity of the site (the closest residential dwelling about 20m away) and along the access road and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received. No local objection 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 machinery and construction material and ancillary site office could be tolerated for a period of 3 years based on the assessments set out in paragraph 12 of the Paper. The proposed temporary open storage of construction machinery and material and ancillary office was not in line with the planning intention of the “Recreation” (“REC”) zone, but there was not yet any programme/known intention to implement the “REC” zone. Approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “REC” zone. The development was generally in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that there was no objection from concerned government departments. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on restrictions on operation hours, stacking height of materials within 5m of the periphery, prohibition of workshop activities and type of vehicles accessed were recommended.

146. Members had no question on the application.

Deliberation Session

147. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 28.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the 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 shall not exceed the height of the boundary fence, as proposed by the applicant, at any times during the planning approval period;
- (d) no repairing, dismantling, assembling and workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, container trailer and tractor, as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (f) no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the implementation of the proposed drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 28.5.2015;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.8.2015;
- (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 the Director of Fire Services or of the TPB by 9.1.2015;

- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.5.2015;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.8.2015;
- (n) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 28.5.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (i), (j), (k), (l), (m) or (n) 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
- (q) upon expiry of the planning permission, the reinstatement of the site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) planning permission should have been obtained before continuing the development on site;
- (b) resolve any land issues relating to the development with the concerned owner(s) of the site;

- (c) the site should be kept in a clean and tidy condition at all time;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible to Ha Tsuen Road via private lot and government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) concerned would still need to apply to his Office to permit any structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) note the comments of the Chief Engineer/Mainland North, Drainage Services Department that that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (g) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (h) note the comments of the Chief Highway Engineer/New Territories West,

Highways Department (HyD) that the proposed access arrangement of the site from Ha Tsuen Road should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the Ping Ha Road;

- (i) note comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage should be adhered to (Appendix V of the Paper). The applicant is advised to submit a valid fire certificate (FS251) to his Department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (j) note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that according to the submitted information, all existing trees within the site would be preserved and new trees would be proposed along the southern and northern part of the site. For the boundary adjacent to the “Village Type Development” zones, double rows of tree planting would be provided. However, it was observed that some trees were damaged. Replacement tree planting is required;
- (k) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on

leased land without approval of BD (not being a New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the BO. The applicant should obtain the BA's prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation."

[The Chairman thanked Mr David C.M. Lam, DPO/TMYLW, Mr K.C. Kan, Ms Bonita K.K. Ho and Mr Edmond S.P. Chiu for their attendance to answer Members' enquires. They left the meeting at this point.]

Agenda Item 37

Any Other Business

149. There being no other business, the meeting closed at 17:07 p.m..