

TOWN PLANNING BOARD

Minutes of 526th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.1.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr H.F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

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

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

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

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

Ms Christina M. Lee

Dr Eugene K.K. Chan

Mr David Y.T. Lui

In Attendance

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

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

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 525th RNTPC Meeting held on 2.1.2015

[Open Meeting]

1. The draft minutes of the 525th RNTPC meeting held on 2.1.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

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

3. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) was one of the consultants of the applicant. The following Members had declared interests in this item :

Professor S.C. Wong - being a traffic consultant of Arup
(the Vice-chairman)

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

- Dr W.K. Yau - involving in the operation of an education centre on Cheung Chau

4. Members noted that Dr W.K. Yau had not arrived at the meeting yet. Members also noted that Professor S.C. Wong and Mr Ivan C.S. Fu had no involvement in the application and agreed that they could stay in the meeting.

[Mr. K.F. Tang arrived to join the meeting at this point.]

5. The Secretary reported that on 13.1.2015, after issuing the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for a deferral of consideration of the application for 3 months. The letters from the application were tabled at the meeting for Members' consideration. Members noted that upon the requests of the applicant, the application had already been deferred three times. At the meeting on 25.7.2014 when the Committee considered the applicant's third deferment request, the Committee agreed that since it was the 3rd deferment and a total of 6 months had been allowed, no further deferment would be granted. The applicant was informed accordingly in a letter issued by the Secretary of the TPB on 8.8.2014. The Committee might consider if the applicant should be invited to the meeting to explain to Members the reasons for the proposed fourth deferment. Should the Committee consider that a deferment was not warranted, it might proceed with the consideration as planned. Members decided to invite the applicant to elaborate the reasons for requesting further deferral of the consideration of the application.

Presentation and Question Sessions

6. The following government representatives and the representatives of the applicant were invited to the meeting at this point :

- Mr Ivan M.K. Chung - District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD)

Mr Richard Y.L. Siu	-	Senior Town Planner (STP)/SKIs, PlanD
Mr Chris Y.H. Ho	-	Assistant Divisional Commander (Operations & Crime), Cheung Chau Division, Hong Kong Police Force (HKPF)
Miss H.Y. Hau	-	Operational Support Team, Cheung Chau Division, HKPF
Mr Sam W.S. Chan]	Representatives of the applicant
Mr Y.L. Cheung]	
Mr K.K. Wong]	
Ms Theresa W.S. Yeung]	
Ms Natalie M.Y. Leung]	
Ms Jovial C.T. Wong]	
Ms Oliver L.Y. Cheung]	
Mr William W.T. Leung]	
Ms Kathina S.Y. Wong]	
Mr Wilson W.S Kwan]	
Mr W.K. Wong]	
Mr C.K. Wong]	
Mr S. C. Wong]	
Mr C.T. Wong]	
Mr W.L. Wong]	
Mr P.C. Wong]	

7. The Chairman extended a welcome and invited the applicant's representatives to elaborate the reasons for applying for further deferment.

8. With the aid of a PowerPoint presentation, Ms Theresa W.S. Yeung made the following points :

- (a) the previous deferral requests were to allow the applicant to prepare

further information, including technical assessments, to address departmental comments;

- (b) the comments of the Director of Marine (D of M) were first received in July 2014, requesting further information (FI) on a marine impact assessment (MIA). However, D of M's comments on the MIA were only received on 9.1.2015, which requested FI on marine traffic data in Ching Ming and Chung Yeung. As the Ching Ming Festival would be on 5.4.2015, it was impossible for the applicant to conduct the required marine traffic assessment before the meeting;
- (c) as more worshippers would choose to visit the cemeteries in Ching Ming than Chung Yeung, the applicant should be able to meet D of M's requirement with data on the former and would not request for further deferment until Chung Yeung. Should the Committee agree to defer a decision on the application for another 3 months, the applicant could conduct the survey on 5.4.2015 and prepare the assessment for D of M's consideration; and
- (d) without the FI, D of M would not be able to assess the marine traffic, and the Committee would not be provided with sufficient information to assess and process the planning application.

9. As the applicant's representatives had no further points to raise and there were no supplement from PlanD and questions from Members, the Chairman thanked the applicant's representatives for the elaboration and informed them that the Committee would make a decision on the deferment request in their absence. The government representatives and the representatives of the applicant left the meeting at this point.

[Mr Peter K.T. Yuen arrived to join the meeting at this point.]

Deliberation Session

10. In response to a Member's enquiry, the Secretary said that in July 2014, the

applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare FI to address comments from various government departments, in particular from D of M. The Secretary further pointed out that, given the great public concern on columbarium use, during the first three weeks of the statutory publication period and the publication of the FI, a total of 5,565 comments were received, with 4,273 objecting to the application. For the objecting comments, there were complaints against the repeated deferrals and consultations of the application causing disturbance to the public and wasting of government resources. The Secretary said that in considering requests for deferment of a decision, the general principles adopted by the Committee were to consider if the justifications for deferment met the criteria as set out in the TPB Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), i.e. the proposed deferment period should not be indefinite and whether the right or interest of other concerned parties will be affected.

11. In response to a Member's question, the Secretary explained that since the submission of the application, departmental comments received would be forwarded to the applicant in order to let the applicant respond to the concerns raised by various departments. Besides, the paper, including all departmental comments, would be sent to the applicant seven days before the Committee's meeting.

12. A Member asked when the applicant had submitted the MIA to the Marine Department and if the assessment could be done based on past trend and data. The Secretary said that since the 3rd deferment, the applicant submitted responses to departmental comments including a preliminary review on key marine facilities and updated Tree Compensation Plan, Tree Retention and Removal Plan, Landscape Master Plan on 25.9.2014; a preliminary marine review on the proposed boarding/alighting point for the chartered ferry services on 29.10.2014 and an updated Crowd Control and Management Plan and responses to departmental comments on 10.12.2014.

[Dr W.K. Yau arrived to join the meeting at this point.]

13. The Chairman asked if it was the first time that D of M requested the applicant to assess the cumulative traffic impact during Ching Ming and Chung Yeung. The Secretary

said that the applicant might be asked to confirm this point. A Member said that it was essential to confirm if it was the first time that the applicant received D of M's request and if affirmative, the deferral request should be acceded to as the deferment period was not indefinite and with reasonable grounds, and no interest of other concerned parties would be affected. Without the FI, the Committee would not be able to fully consider the marine traffic aspect of the application and the Committee's decision on the application might be subject to challenge.

14. The Vice-chairman concurred and said that the applicant should be allowed time to conduct the survey to meet D of M's requirement. A Member said that the application could be deferred until Ching Ming, as proposed by the applicant. Members decided after discussion to invite the applicant back to confirm if it was the first time that D of M raised the request.

Presentation and Question Sessions

15. The government representatives and the representatives of the applicant were invited to the meeting at this point.

16. In response to the Chairman's question, Mr Ivan M.K. Chung, DPO/SKIs, PlanD, confirmed that it was the first time that D of M requested the applicant to assess the cumulative traffic impact during Ching Ming and Chung Yeung.

17. In view of the information provided, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that three months were allowed for preparation of the submission of the further information, and since this was the fourth deferment and a total of nine months had been allowed, no further deferment would be granted by the Committee.

18. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/ST/26 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/29, Propose to amend the Notes of the "Other Specified Uses (Amenity Area)" to Include the Use of "People Mover (Escalators/Lifts)" in Column 1, the Eastern Part of STTL No. 311, 1 Pau Tau Street, Sha Tin
(RNTPC Paper No. Y/ST/26A)

19. The Secretary reported that Masterplan Ltd., ACLA Ltd. and AECOM Asia Co. Ltd. (AECOM) were three of the consultants of the applicant. The following Members had declared interests in this item :

Professor S.C. Wong (the Vice-chairman)	-	having current business dealings with AECOM
Mr Ivan C.S. Fu	-	having current business dealings with Masterplan Ltd. and AECOM
Ms Janice W.M. Lai	-	having current business dealings with ACLA Ltd. and AECOM

20. Members noted that the applicant had requested for deferment of consideration of the application and agreed that the above Members could stay in the meeting.

21. The Secretary reported that on 8.1.2015, the applicant had requested for deferment

of the consideration of the application for one month in order to allow time for a meeting with the relevant departments including the Transport Department and the Planning Department to resolve the outstanding issue. This was the applicant's second request for deferment.

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

Agenda Item 5

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/ST/29 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/30, To rezone the application site from "Village Type Development" to "Government, Institution or Community", Lots. 12 RP (Part), 13 in D.D. 185 and adjoining Government Land, No. 97 Pai Tau Village, Sha Tin
(RNTPC Paper No. Y/ST/29)

23. The Secretary reported that Environ Hong Kong Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with the consultant. Members noted that Mr Fu had no involvement in the application and agreed that he could stay in the meeting.

24. The Committee noted that a letter dated 16.1.2015 from the applicant was tabled at the meeting, proposing some crowd control measures with 28 villagers' signatures

expressing support to the application.

Presentation and Question Sessions

25. Mr C.K. Soh, District Planning Officer, Sha Tin, Tai Po and North (DPO/STN), Mr C.K. Tsang, Senior Town Planner/Shu Tin, Tai Po and North (STP/STN), and the following representatives of the applicants were invited to the meeting at this point :

Mr Raymond Y.H. Leung

Mr T.K. Wan

Mr Chapman C.Y. Lam

Ms Elsa S.H. Chung

Mr S.C. Sik

Mr F.S. Lo

Ms L.H. Wan

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

The Proposal

- (a) the applicant proposed to rezone the application site from “Village Type Development” (“V”) to “Government, Institution or Community” (“G/IC”) to regularize the current use of columbarium with about 2,407 niches. The site comprised five structures with a total floor area of about 822m², including one for columbarium with a floor area of about 53m². The building heights ranged from 3.34m to 7.7m (1-2 storeys). ‘Columbarium’ would be a Column 2 use of the proposed “G/IC” zone requiring planning permission from the Town Planning Board (TPB). The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Background

- (b) the site was part of a previous application (No. Y/ST/24) submitted by the same applicant to rezone the site and the adjacent area from “V” to “G/IC” for religious institution and columbarium uses at Wai Chuen Monastery. The application was rejected by the Committee in 2013 for reasons that (a) the “V” zone was appropriate and religious institution could be considered by the TPB via a section 16 application; (b) the applicant failed to demonstrate that there would be no adverse traffic, environmental, drainage and sewerage impacts on the surrounding areas; and (c) the approval of the application would set an undesirable precedent;

- (c) there was a similar application (No. Y/ST/13) covering an existing columbarium at Chi Ha Toi uphill to the northwest of the site. This application was partially agreed by the Committee in 2012. However, the subsequent section 16 application (No. A/ST/816) for columbarium use in Chi Ha Toi was rejected by the TPB on review in 2014 as the applicant failed to demonstrate that there would not be adverse traffic impact on the surrounding areas;

Departmental Comments

- (d) departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) could not render support to the application at the present stage as the applicant had not provided sufficient information, including detailed traffic data/assessment; the cumulative effect on pedestrian flows during festival days and on the local road network; as well as providing necessary improvement measures/proposal on appropriate traffic/pedestrian arrangement and traffic management scheme, to support the application. The approval of the application might set an undesirable precedent which would lead to proliferation of columbarium use and a general degradation of the traffic conditions of the area;

- (e) the Commissioner of Police (C of P) was concerned about the public safety particularly along the footpaths leading uphill. However, improvement of the footpath would involve private land and substantial engineering works seemed not feasible at the moment;

Public Comments

- (f) during the first three weeks of the statutory publication period, a total of six public comments were received. The comment submitted by the Chairman of Sha Tin Rural Committee supported the application as the applicant was a non-profit making organization and the columbarium would not be sold to the public and the development was an existing one. Technical assessments demonstrated that the development would not cause adverse impact and the development was also in line with the Private Columbarium Bill. The remaining five comments submitted by two local villagers and three members of the public objected to the application mainly on the grounds that there was limited land for development of village houses; the rezoning would encourage intensification of the columbarium overloading the capacity of the access to the site and the emergency vehicular access and caused air and water pollution problems; the Government should not tolerate the columbarium which was an illegal operation; and niches could be for sale;
- (g) the District Officer (Sha Tin) conveyed that the locals in the vicinity had expressed grave concern about the environmental nuisance, increased pedestrian flows and adverse impact on local traffic network caused by the columbarium; and

The Planning Department (PlanD) 's Views

- (h) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper and highlighted below :
- (i) the application site fell entirely within the 'village environs' of four

recognized villages and there was insufficient land in the “V” zone to meet the demand for village houses;

- (ii) the general area covering the site was in a valley setting leading uphill with a total of 15 religious institutions with columbaria. Except Po Fook Ancestor Worship Hall, all the other columbaria including the subject development did not have vehicular access and were only accessible through narrow footpaths running uphill;
- (iii) the applicant failed to demonstrate that the proposed columbarium would not have adverse traffic impact on the surrounding areas. The applicant had not assessed the cumulative effect on pedestrian flows and local road network or proposed acceptable improvement measures and parking and loading/unloading facilities for the development. Besides, the alternative pedestrian route proposed was indirect and it was difficult for the applicant to ensure that the visitors/pedestrians would use it. C for T did not support the application; and
- (iv) locals in the vicinity had expressed grave concern about the adverse impacts caused by the columbarium. The approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such similar applications would lead to a general degradation of the traffic and environmental conditions of the area.

27. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Raymond Y.H. Leung and Mr Chapman C.Y. Lam made the following main points :

- (a) regarding the rejection reason (a) under the previous application (Y/ST/24) on the religious institution use, the current application had excised the existing monastery from the application site, which would allow the TPB to control the columbarium facilities. Environmental, drainage, sewerage

and traffic assessments had also been conducted in response to rejection reason (b), and the former three assessments demonstrated that the proposal had no environmental, drainage and sewerage impact. Most of the concerned departments had no adverse comment on the application. For traffic aspect, the only concern would be the traffic impact in Ching Ming and Chung Yeung Festivals;

- (b) as there was a strong demand for columbarium use, the public expressed strong support for a licensing scheme to enhance regulation of the operation of private columbaria. The proposal was also in line with the Private Columbarium Bill to regularize existing private columbarium. Besides, the site was considered not suitable for Small House development;
- (c) there were 2,407 niches at the site, of which 1,256 niches had already been occupied or reserved, and the traffic impact to be generated by the remaining 1,151 vacant niches would be minimal. The traffic impact assessment (TIA) conducted during Ching Ming Festival showed that the anticipated additional 2-way peak visitor trips due to the additional 1,151 niches in the design year of 2021 was merely 217 visitors. Compared to the 7,732 visitors generated by Po Fook Ancestor Worship Hall, the proposal would have minimal effect, especially with the crowd control measures implemented by the Hong Kong Police Force (HKPF). It should also be noted that although the assessment year of 2021 was adopted for the TIA, full occupation of the niches was not expected within the next 20 years;

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

- (d) the cumulative traffic impact had been taken into consideration, as the data had included all the existing nearby columbaria, the natural population growth of the Sha Tin district in 2021 (about 3.6%), and the current unoccupied niches. The proposed alternative route had not been included in the assessment. For a more conservative assessment, the operational

performance at the pedestrian ramp to the Shatin MTR Station during the peak 15 minutes in Ching Ming had been assessed, and the result indicated that the anticipated additional 2-way pedestrian flows was only 60 visitors (at location 'Ap' shown in Drawing Z-3 of the Paper), and the Level of Service (LOS) between reference (without unoccupied niches) and design (with unoccupied niches) scenarios remained the same, i.e. the impact to the local pedestrian network due to the full occupation of the columbarium was minimal;

- (e) the proposed columbarium would only generate about 13 private car trips per hour during Ching Ming Festival. According to on-site observation in Ching Ming, there were about 120 vacant car parking spaces in Sha Tin Government Offices and Grand Central Plaza. As such, there would be sufficient parking spaces to accommodate the additional vehicle demand. No loading/unloading (L/UL) facilities would be required by the proposed columbarium use;
- (f) they disagreed with C for T's comments that the footpath was narrow and steep, and it would be difficult for the police and paramedics to get to the spot. There were only 13 steps adjoining the existing footpath in one location. For C of P's comments, it was about pedestrian flow at Pai Tau and Sheung Wo Che villages, not the application site. The residential dwellings were served by another footpath adjoining Po Fook Shan. Both C of P and the Director of Fire Services did not mention that it would be difficult for them to get to the application site. A video recording the footpath to the site was shown; and

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

- (g) there were two different accesses connecting the Sha Tin MTR Station and Pai Tau Street, and the alternative pedestrian route could help divert some of the pedestrian flow. The route was also used as a temporary pedestrian diversion route by the Drainage Services Department before and the Sha Tin Rural Committee had been working on a proposed lift at the pedestrian

ramp connecting Sha Tin MTR Station and Pai Tau Street. However, the TPB had not taken into account the proposed lift when considering the review application of Chi Ha Toi. To further reduce the number of visitors during festival days, it was proposed that visitors could visit the site by appointment only.

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

28. In response to a Member's enquiry on the vacant parking spaces available in the area mentioned in the presentation, Mr Chapman C.Y. Lam said that the vacant car parking spaces were found in Sha Tin Government Offices and Grand Central Plaza and between 10:40 a.m. and 11:40 a.m. in Ching Ming of 2014.

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

29. The Vice-chairman asked whether the applicant had adopted a worst-case scenario (i.e. fully occupied) in the traffic forecasts; whether pedestrian flow analysis had been conducted in different critical sections; whether the LOS was acceptable to C for T; and whether adequate car parking spaces and L/UL facilities would be provided in response to C for T's comments. In response, Mr Chapman C.Y. Lam said that full occupation of the columbarium in design year of 2021, i.e. 2,407 niches, was assumed in the TIA. Two locations ('Ap' and 'Bp' shown in Drawing Z-3 of the Paper) had been assessed and the most critical section (i.e. 'Ap') was presented. As reported, even at the most critical section, the columbarium use would have no impact on the LOS at the peak 15 minutes, i.e. Level E. Level E meant the walkway was 'at capacity'. However, it was not considered unacceptable for columbarium use, as all columbaria over Hong Kong would require crowd control arrangements during peak periods. It should be noted that the increase in pedestrian trips due to the proposal would only be 2%, which was minimal. The L/UL activities could be carried out at the cul-de-sac of Pai Tau Street, but such demand was expected to be minimal.

30. A Member followed up and asked if the 2% increase in pedestrian trips had taken into account the proposed appointment system. Mr Chapman C.Y. Lam said that the proposed crowd control measures were not adopted in the assessment and it was expected that the traffic impact of the proposal would be further reduced with the proposed measures.

31. In response to a Member's question on the accessibility to the alternative route, Mr Raymond Y.H. Leung said that there were various exits from the Sha Tin MTR Station to the alternative route. The visitors could be diverted to use the alternative route with crowd control arrangements. Mr Chapman C.Y. Lam supplemented that according to the interview survey on the columbarium visitors, 42% travelled by railway. With appropriate signages, about 40% of the people would use the alternative pedestrian route.

32. The Chairman asked DPO/STN to provide information on the Chi Ha Toi application and the columbarium use at the existing religious institutions as shown on Plan Z-6 of the Paper. In response, Mr C.K. Soh, DPO/STN, said that the Committee decided to partially agree to the rezoning of the Chi Ha Toi site from "V" to "G/IC" with columbarium included as a Column 2 use. C for T had no in-principle objection to the application at that time. The applicant was required to submit detailed technical assessments and mitigation measures during the section 16 planning application stage for the Committee's consideration. However, the planning application subsequently submitted for the columbarium was rejected by the Committee and the TPB on review, as the TIA failed to demonstrate that the proposed columbarium would have no adverse pedestrian and vehicular traffic impact. For the subject application, C for T considered that as the applicant had not yet provided sufficient information to support the application, he could not render support to the application. For the existing religious institutions in the area, columbaria were found and they were under Part B of the Information on Private Columbaria issued by the Development Bureau. However, there was no information on the number of niches in these existing religious institutions.

33. In response to a Member's question on the number of niches provided in Chi Ha Toi application, Mr C.K. Soh said that a total of 3,338 niches were proposed at that time, with 2,012 already occupied.

34. As the applicant's representatives had no further points to raise and there were no further questions from Members, 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 applicants of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

[Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

Deliberation Session

35. A Member agreed with PlanD's views of not supporting the application in that the existing traffic condition was already very congested during Ching Ming and Chung Yeung Festivals and any additional columbarium use would worsen the situation. Any further intensification of columbarium use in this area should not be encouraged.

36. In response to the Chairman's question, Mr K.C. Siu, Chief Traffic Engineer/New Territories East, Transport Department, said that both the Transport Department (TD) and HKPF were concerned about the public safety along the footpath leading uphill to the site. The footpath was narrow and it was understood from earlier meetings with HKPF that in case of emergencies, it could be difficult for the police and/or paramedics to get to the spot quickly when there were many people. Mr Siu also expressed reservation on the results of the LOS at location 'Ap' worked out by the applicant's traffic consultant and suspected that the reference scenario might not reach Level E without the proposed columbarium in place. Level E in general was regarded as a level requiring mitigation actions. Besides, it was noted that many similar applications for development of columbarium also proposed various crowd control measures, some might offer the closure of the columbaria or a booking system during the festival periods. However, unless these measures were enforceable, TD would have reservation on whether such measures would be carried out when the columbaria were in operation and continued in the long-run.

37. A Member agreed that the existing traffic condition in the area was already very congested. It was also doubtful if there were vacant car parking spaces both during normal and peak periods. The cumulative traffic effect on the Sha Tin district should be assessed.

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

- “ (a) the applicant fails to demonstrate that there will be no adverse traffic impact on the surrounding areas; and

- (b) the approval of the application would set an undesirable precedent for other similar rezoning applications in the area for the development of columbarium use. The cumulative effect of approving such similar applications would lead to a general degradation of the traffic and environmental conditions of the area.”

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 6

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/YL-KTS/1 Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, To rezone the application site from “Other Specified Uses” annotated “Petrol Filling Station” and “Residential (Group C)1” to “Commercial”, Lots 1480 S.B, 1484 S.B ss.1 RP, 1488 S.B RP and 1489 S.C in D.D. 106 and Adjoining Government Land, Kam Sheung Road, Pat Heung, Yuen Long (RNTPC Paper No. Y/YL-KTS/1C)

39. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her family members owned a house at Cheung Po Tsuen, Pat Heung. Since the property of Ms Lai’s family had a direct view on the site, Members agreed that she should be invited to leave the meeting temporarily.

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

Presentation and Question Sessions

40. Ms Maggie M.Y. Chin, District Planning Officer, Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), Mr Kepler S.Y. Yuen, Senior Town Planner/Fanling, Sheung Shui

& Yuen Long East (STP/FSYLE), and the following representatives of the applicants were invited to the meeting at this point :

Mr C.M. Yeung

Miss Cannis M.Y. Lee

Mr Kenny T.Y. Wan

41. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Kepler S.Y. Yuen, STP/FSYLE, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Yuen presented the application and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to rezone the application site from “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”) (89%) and “Residential (Group C)1” (“R(C)1”) (11%) to “Commercial” on the Kam Tin South Outline Zoning Plan (OZP) to facilitate a commercial development for ‘Shops and Services’ and ‘Eating Place’ uses at the site. The proposal comprised a 2-storey block with a building height of 8.2m and total gross floor area of about 1,280m². The justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

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

Departmental Comments

- (b) 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;

Public Comments

- (c) during the first three weeks of the statutory publication period and the publication of the further information, a total of 10 public comments were received from a Member of Yuen Long District Council (YLDC), Pat Heung Rural Committee, village representatives (VRs) of Yuen Kong Tsuen and Yuen Kong San Tsuen, a resident of Full Silver Garden and members of the public. The commenters objected to/raised concerns on the application mainly on the grounds that no consultation had been conducted with the villagers. Also, the commenters had concerns on the adverse impacts on *fung-shui*, traffic, environmental, visual, ‘wall effect’, security and fire safety. Moreover, a commenter suggested providing a basement car park to address the potential traffic impact; and another suggested imposing conditions requiring the applicant to provide a 24-hour lighting system and prohibiting storage/warehouse uses and/or other activities except dish washing, parking of vehicles or storage of wastes;
- (d) the District Officer (Yuen Long) conveyed that 10 local comments were received, seven of which were the same as the public comments received during the statutory publication period. For the remaining three, two were from a Member of YLDC and one was from the VRs of Yuen Kong Tsuen and Yuen Kong San Tsuen providing similar views as other public comments received;

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

The Planning Department (PlanD)’s Views

- (e) PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed commercial use was considered not incompatible with the surrounding area which was predominantly an established low-density residential area with scattered rural industrial uses. It was small in scale and compatible with the development intensity of the adjoining “R(C)1” zone. The proposed development was not expected to have significant adverse impacts on the visual aspect, intensity and built form. It could also serve the function as

a neighbourhood commercial facility, which was lacking in the area. Regarding the public comments received, the applicant had submitted relevant technical assessments and relevant government departments had no objection to/adverse comments on the application.

42. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a PowerPoint presentation, Miss Cannis M.Y. Lee made the following main points :

- (a) the site was currently used as an open storage yard of car for sale. As the surrounding area was predominantly occupied by residential developments with scattered rural industrial uses including warehouses, a PFS and real estate agencies, the proposed commercial development could serve the function as a neighbourhood commercial facility; and
- (b) in response to the departments' requests, photomontages, a drainage assessment and a quantitative risk assessment had been conducted. The proposed development also complied with the Hong Kong Planning Standards and Guidelines' requirement in that a separation distance of 15m was proposed between liquefied petroleum gas facilities and the commercial development.

43. In response to the Chairman's question, the applicant's representative confirmed that the adjoining PFS would be retained.

44. In response to a Member's question on the public comments that no consultation had been conducted with the villagers, Ms Maggie M.Y. Chin, DPO/FSYLE said that the commenters referred to the lack of consultation initiated by the applicant. However, the statutory requirements of publication of the application for public comments had been adhered to.

45. A Member asked whether the application site was covered in the land use review of Kam Tin South. In response, Ms Maggie M.Y. Chin said that the objective of the Land Use Review of Kam Tin South and Pat Heung was to identify suitable sites within the area for

public and private housing development. 14 potential development sites had been identified and the subject application site was not one of the sites.

46. In response to the Chairman's question on whether the proposed commercial development would be ancillary to the adjoining PFS, Ms Maggie M.Y. Chin said that the intended commercial uses, including 'Shops and Services' and 'Eating Place', were not Column 2 uses under "OU(PFS)" and "R(C)1" zones on Kam Tin South OZP. The scale of the commercial development was about 50% of that of the PFS and the proposed development was intended mainly to provide shopping facilities and services for the local residents and visitors in the area.

47. A Member asked if it was necessary to include the "R(C)1" zone into the application. Ms Maggie M.Y. Chin said that as the said portion of "R(C)1" zone was owned by the applicant, exclusion of the site would affect the development parameters, including the plot ratio and site coverage, of the site. The applicant's representative confirmed that the concerned site (i.e. Lot 1480 S.B.) was also owned by the applicant and the applicant would like to include the site for commercial development.

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

Deliberation Session

49. After deliberation, the Committee decided to agree to the subject application, and that an amendment to the approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11 would be submitted to the Committee for agreement prior to gazetting under section 5 of the Town Planning Ordinance upon reference back of the approved plan.

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

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/YL-NSW/1 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To rezone the application site from “Residential (Group D)” to “Residential (Group D)1”, Lots 594, 595, 600, 1288 S.B RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long
(RNTPC Paper No. Y/YL-NSW/1)

50. The Secretary reported that the application was submitted by Topwood Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK) and Environ Hong Kong (Environ), AECOM Asia Co. Limited (AECOM) and Urbis Ltd. (Urbis) were the consultants of the applicants. The following Members had declared interests in this item :

- | | | |
|--|---|---|
| Professor S.C. Wong
(the Vice-chairman) | - | having current business dealings with AECOM |
| Mr Ivan C.S. Fu | - | having current business dealings with SHK, AECOM, Environ and Urbis |
| Ms Janice W.M. Lai | - | having current business dealings with SHK, AECOM and Urbis |
| Ms Christina M. Lee | - | being the Secretary – General of the Hong Kong Metropolitan Sports Events Association (HKMSEA) that had obtained sponsorship from SHK |
| Dr Eugene K.K. Chan | - | being the Convenor of HKMSEA that had obtained sponsorship from SHK |

51. Members noted that Ms Lee and Dr Chan had tendered apologies for being unable to attend the meeting. Members also noted that the applicants had requested for deferment of consideration of the application and agreed that the remaining Members could stay in the meeting. However, as the interest of Mr Fu and Ms Lai were direct, they should refrain from participating in the discussion.

[Ms Janice W.M. Lai returned to join the meeting and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

52. The Secretary reported that on 7.1.2015, the applicants had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the departmental comments received and allow time for respective government departments to review the application. This was the applicants' second request for deferment.

53. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicants. If the further information submitted by the applicants 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Tuen Mun and Yuen Long West District

Agenda Item 8

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/TM/15 Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/31, To rezone the application site from “Government, Institution or Community” to “Comprehensive Development Area”, Lots 1123 (Part), 1124 (Part), 1125 (Part), 1126 (Part), 1136 (Part), 1138 RP (Part) and 1139 RP (Part) in D.D. 132 and Adjoining Government Land, Hing Fu Street, Area 54, Tuen Mun (RNTPC Paper No. Y/TM/15A)

54. The Secretary reported that the application was submitted by Pacific Good Investment Ltd. and Main Channel Ltd., which were subsidiaries of Sun Hung Kai Properties Ltd. (SHK) and AECOM Asia Co. Ltd. (AECOM), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were the consultants of the applicants. The item also involved a potential public housing site to be developed by the Housing Department (HD), which was the executive arm of the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item :

Mr K.K. Ling - being a member of the Strategic Planning Committee
(the Chairman) (SPC) and Building Committee of HKHA
as the Director of Planning

Mr Edwin W.K. Chan - being an alternate member for the Director of Lands who
as the Assistant Director/ is a member of HKHA
Regional 3, Lands Department

- Mr Martin W.C. Kwan as the Chief Engineer (Works), Home Affairs Department - being an alternate member for the Director of Home Affairs who is a member of the SPC and Subsidized Housing Committee of HKHA
- Ms Janice W.M. Lai - having current business dealings with HKHA and having current business dealings with SHK, AECOM and Urbis
- Mr H.F. Leung - being a member of the Tender Committee of HKHA and having current business dealings with HD
- Professor S.C. Wong (the Vice-chairman) - having current business dealings with AECOM
- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM, Environ and Urbis
- Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association (HKMSEA) that had obtained sponsorship from SHK
- Dr Eugene K.K. Chan - being the Convenor of HKMSEA that had obtained sponsorship from SHK

55. Members noted that Dr Chan and Ms Lee had tendered apologies for being unable to attend the meeting. As the interests of Mr Ling (the Chairman), Mr Chan, Mr Kwan, Ms Lai, Mr Leung and Mr Fu were direct, Members agreed that they should leave the meeting temporarily for this item. Members also noted that Professor Wong had no involvement in the application and Mr Martin W.C. Kwan had left the meeting temporarily already. The Vice-chairman took over the chairmanship of the meeting at this point.

[The Chairman, Mr Edwin W.K. Chan and Mr Ivan C.S. Fu left the meeting temporarily and Ms Janice W.M. Lai and Mr H.F. Leung left the meeting at this point.]

Presentation and Question Sessions

56. Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Miss Jessica Y.C. Ho, Senior Town Planner/Tuen Mun and Yuen Long West (STP/TMYLW), and Ms Winnie W.Y. Wu and Mr Ryan M.H. Kwok, representatives of the applicants, were invited to the meeting at this point.

57. The Vice-Chairman extended a welcome and explained the procedure of the hearing. He then invited Miss Jessica Y.C. Ho, STP/TMYLW, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Miss Ho presented the application and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicants proposed to rezone the site from “Government, Institution or Community” (“G/IC”) to “Comprehensive Development Area” (“CDA”) for residential development, with a maximum plot ratio (PR) of 5, a maximum gross floor area of 19,400m² and a maximum building height of 120mPD, with 375 flats;
- (b) the site was zoned “G/IC” on the approved Tuen Mun Outline Zoning Plan (OZP) No. S/TM/31 at the time when the application was submitted on 10.3.2014. According to the draft Tuen Mun OZP No. S/TM/32 exhibited for public inspection under section 5 of the Town Planning Ordinance (the Ordinance) on 2.5.2014, the site fell within an area zoned “Residential (Group A) 25” (“R(A)25”), with the planning intention for public housing development;
- (c) the justifications put forth by the applicants in support of the application were detailed in paragraph 2 of the Paper;

Background

- (d) the Planning and Development Study of Potential Housing Site in Area 54,

Tuen Mun (the 1999 Study) recommended that the site be reserved for Government, Institution or Community (GIC) developments (including a community hall (CH) and an indoor recreation centre (IRC)) to serve the proposed public housing developments in Tuen Mun Area 54. The site was subsequently rezoned from “Village Type Development” (“V”) to “G/IC” in April 2000;

- (e) the site was proposed to be released for public housing purpose after the CH and IRC were proposed to be relocated to another more centrally located “G/IC” zone in Tuen Mun Area 54. In late 2011, the Civil Engineering and Development Department (CEDD) commissioned the Formation, Roads and Drains in Area 54, Tuen Mun – Phases 1 and 2 – Review of Traffic, Environmental, Drainage and Sewerage Impact Assessment – Investigation (the 2011 Review) to update various technical assessments for the area, including the site;
- (f) the proposal for public housing development at the site had been made known to the public through Tuen Mun District Council (TMDC) consultations on 23.11.2012, 7.1.2014 and 27.1.2014. There was no objection to the public housing development/rezoning proposal of the site;
- (g) during the statutory public inspection period of the draft Tuen Mun OZP No. S/TM/32, an adverse representation was submitted by the applicants objecting to the rezoning of the site for public housing development and requesting to rezone the site to “CDA”. On 7.11.2014, the Town Planning Board (TPB) decided not to uphold all representations and considered that the OZP should not be amended to meet the representations;
- (h) the site was also the subject of a previous application (No. Y/TM/10) to rezone a larger area (including the site) from “G/IC” to “R(A)” submitted by the same applicants, which was rejected by the Committee on 7.3.2014. The rejection reasons were that there was no strong planning justification for rezoning the application site to “R(A)”; and there was no strong

planning justification for including the existing woodland into the proposed “R(A)” zone;

Departmental Comments

- (i) departmental comments were set out in paragraph 9 of the Paper. The Director of Housing (D of H) objected to the application as the proposed private housing development would adversely affect the implementation of the public housing development and hence the flat production;

Public Comments

- (j) during the first three weeks of the statutory publication period and the publication of the further information, a total of 113 public comments were received. 108 comments submitted by individuals, largely from residents of the surrounding areas and Tuen Mun District, supported the application mainly on the grounds that the proposal would not require the use of country park area, reclamation nor area zoned “Green Belt” for residential development; land resumption would not be required and would eliminate the use of public money, with faster flat production than the public housing; there were already more than 90% of public housing in the district, it was necessary to generate a mix of housing types by introducing private residential development; private residential development would create a more balanced community with vitality; the proposal would enhance the living environment and provision of infrastructure, traffic and commercial facilities of the Tuen Mun area, help encourage local employment and improve local economy; and compared with the previous application, there were improvements in building design and reduction in the number of residential towers, which would reduce the possible adverse air ventilation impacts on the nearby areas;
- (k) the remaining 5 comments submitted by the representatives and villagers of Siu Hang Tsuen and Chairman of Po Tin Estate Block 4 Mutual Aid Committee objected to the application for the reasons that the proposed

development was very close to the village settlements and would cause adverse visual, environmental, greenery and traffic impacts, health problems, create nuisance, affect natural light, *fung shui*, worsen air pollution and existing tranquil environment of the area. No local objection/view was received by the District Officer (Tuen Mun); and

The Planning Department (PlanD)'s Views

- (l) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper and highlighted below :
 - (i) the site had all along been designated for public purpose. The private lot owners should not have the legitimate expectation to develop the site for private residential use;
 - (ii) the previous application (No. Y/TM/10) was rejected by the Committee in 2014 and the TPB also decided not to uphold the representation submitted by the applicants in 2014, for the reasons that the site had long been reserved for meeting community and public needs and agreed that the site should be reserved for public housing development. Rejecting the current application was in line with the Committee/TPB's previous decisions;
 - (iii) the public housing development was scheduled for completion in 2022/2023. The provision of social welfare facilities in a public housing development with known development programme would better ensure the delivery of the services and was in the public interest;
 - (iv) when rezoning the site for public housing purpose, various technical assessments had been carried out to ascertain its feasibility. Development restrictions on the OZP as well as the requirement for planning brief for the public housing would also ensure adequate planning control. The "R(A)25" zoning for the site was considered

appropriate; and

- (v) regarding the public comment that private residential development might be implemented faster and would achieve a better housing mix in the area, it should be noted that there was already a “R(A)” zone to the immediate east of the site for private residential development. Furthermore, the anticipated overall ratio between public and private housing in the Tuen Mun OZP Planning Scheme Area was about 57:43, which was generally in line with the ratio of 60:40 public/private split as recommended by the Long Term Housing Strategy Steering Committee.

58. The Vice-Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Winnie W.Y. Wu made the following main points :

- (a) as PlanD’s representative had presented the contents of the application, the presentation would mainly focus on the responses to the two reasons for not supporting the application as proposed by PlanD in paragraph 12.1 of the Paper;
- (b) as regards the proposed rejection reason (a) that there was no strong planning justification for a proposed private residential development, it should be noted that the site would be used for Home Ownership Scheme (HOS) development and there was not much difference between residential units of HOS and those of the private sector, in terms of types and prices. As such, strong planning justifications for a HOS development should also be provided;
- (c) the site was under private ownership. There were Government lands available in Tuen Mun for HOS development. It was doubtful why the Government would wish to go through a lengthy process to resume private land for HOS development. The Committee was required to provide strong planning justifications for a HOS development on private land;

- (d) regarding the statement that the site had long been reserved for meeting community and public needs, it should be noted that the site was zoned “Village Type Development” between 1984 to 2000, where private residential development was permitted. As such, the private land owners had the legitimate expectation to develop the site for private residential use. Besides, the rezoning of the site to “G/IC” in 2000 was for community facilities instead of HOS development. “G/IC” zone should be for GIC facilities only. For HOS development, it should be zoned “R(A)” or “Residential (Group B)”. The Committee should not mix up GIC facilities with HOS development, and bias towards HOS development due to the previous “G/IC” zoning;
- (e) regarding the proposed rejection reason (b), the applicants did not understand why the technical feasibility of the proposed public housing development could be one of the rejection reasons, as the technical feasibility of the private housing development had also been ascertained and all the concerned government departments, except D of H, had no objection to the application. Based on the same principle, the technical feasibility of the private housing development should be one of the rejection reasons to reject the HOS development;
- (f) the previous application (No. Y/TM/10) submitted by the applicants in 2012 to rezone the site from “G/IC” to “R(A)” was rejected by the Committee. The applicants therefore proposed to rezone the site to “CDA” such that the TPB could exercise full planning control on the future residential development. However, PlanD still recommended to reject the application as the “R(A)25” zoning for the site was considered appropriate. The applicants queried why the “R(A)” zoning was considered appropriate for HOS development but not private residential development; and
- (g) the applicants would like to ask whether the Committee considered that there was an overriding merit for HOS development; or the Committee

merely followed the Government policy in rejecting the application. The site, with a small size of less than 4,000m², could not help to meet the HOS housing supply. The Committee was requested to consider the application in an impartial manner and make a fair decision.

59. Noting that the applicants were one of the representers objecting to the rezoning of the site and proposing the current indicative private residential development, the Vice-chairman asked if the applicants had provided any new grounds or justifications which were previously not considered by the TPB during the representation hearing stage. In response, Mr David C.M. Lam, DPO/TMYLW, said that apart from the elaboration of the zoning history of the site, the grounds of the rezoning application were more or less the same as those of the representation submitted by the applicant. Ms Winnie W.Y. Wu supplemented that as compared with the previous rezoning application, the current application had excluded the woodland in the northwest in response to previous departmental comments. The applicants had no objection to incorporate social welfare facilities within the site, if required by the Committee.

60. In response to a Member's question on the comments from the Director of Drainage Services (D of DS), Ms Winnie W.Y. Wu said that the technical aspect of the drainage impact assessment was agreed by D of DS. The remaining drainage concerns were about the detailed design and implementation of the project, as the proposed development would make use of public drainage facilities constructed for other Government projects. She added that the programme matching between the proposed development and the Government projects could be dealt with in consultation with relevant departments in later stage.

61. In response to a Member's queries on the site areas and number of flats of the proposed private and public developments, Mr David C.M. Lam referred to Plan Z-2A on the visualizer and a plan shown in the PowerPoint and said that the HOS development would occupy the entire area zoned "R(A)25", which included both government and private land. As part of the application site encroached onto the works limit of a government road project, the affected private land was resumed and reverted to the Government. Both developments would have a PR of 5. As the HOS development would involve a larger site area than the private residential development, more flats (i.e. 700 for HOS vs. 375 for private flats) could be provided.

62. In response to a Member's question on the background of the public housing development, Mr David C.M. Lam said that with the relocation of the originally planned CH and IRC, the public housing development for the site had been examined in the 2011 Review. The planning intention of public housing development had also been made known to TMDC in 2012. Mr Lam displayed a plan presented to the Environment, Hygiene and District Development Committee of TMDC on 23.11.2012 on the visualizer, showing that the site was indicated clearly as public housing development.

63. In response to another Member's question, Mr David C.M. Lam said that the 2011 Review commissioned by CEDD had examined the development in Area 54 and various technical assessments had been conducted, which confirmed the technical feasibility of the public housing development at the site. An extract of the conclusion section of the Area 54 Final Review Report of the 2011 Review was attached to the proposed amendments paper for the Committee's consideration in April 2014. Ms Winnie W.Y. Wu said that the 2011 Review only mentioned that the site would be used for residential development without specifying public or private housing.

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

Deliberation Session

65. A Member said that the ratio of 60:40 public/private split as recommended by the Long Term Housing Strategy Steering Committee was only a guideline, which should not be the reason to restrict the site for public housing development. The applicants' proposal and their justifications should be taken into account. While the site was planned for HOS development, there was also demand for private housing, as a matter of fairness, he considered that the application could be supported.

66. Another Member concurred and said that whether the site was for public or private housing and the implementation agent of the site should not be the major concerns. The Member said that it was an established principle that the identity of the applicant should not be a relevant consideration in processing planning applications. The Member worried that rejecting the application might set a precedent for similar applications that private development had to give way for public development. The proposed private residential development was also in line with the policy to increase housing supply. As such, the Committee should consider if the justifications put forth by the applicants in support of the application were acceptable, and the application should be considered based on its own merits.

67. The Vice-chairman said that there was no such thing as ‘private development had to give way for public development’. He recalled that the Committee had considered similar applications before and granted approvals for private developments. A recent case was a private residential development in an area zoned “Residential (Group E)” in San Hing Road, Lam Tei, which was approved by the Committee, notwithstanding there was a proposed public housing in the same area. The Vice-chairman said that Members should focus on the planning considerations of a specific site to determine if public or private housing was more suitable.

68. A Member agreed with the applicants that technically speaking, there would be no difference between the development of private and public housing. However, as the proposed public housing development could provide more number of flats than the private residential development, the HOS development would enable better utilization of the land concerned. A Member concurred. Another Member considered that whether the land resource was fully utilized or not might not be a justification in considering applications. The Vice-chairman reminded Members that the HOS development scheme was a committed development, and the applicants should provide strong justifications for their proposal with less number of flats.

69. A Member said that one of the reasons for rejecting the previous application for rezoning the site to “R(A)” was that the proposed site encroached upon the existing woodland, which had been excluded in the current application. However, the site had been rezoned to “R(A)25” subsequently and the TPB had decided not to uphold the representation submitted

by the applicants. With a view to better utilize the site potential, this Member agreed to reject the application, though with some reservation.

70. The Vice-chairman supplemented that during the representation hearing stage, the TPB had thoroughly considered whether the site was suitable for public or private housing developments. After discussion, the TPB decided not to uphold the representation as it was agreed that the site was more suitable for public housing. He also noted that the applicants had not provided additional justifications in the current application, as compared with that submitted in the representation. While the Committee might have different considerations, the TPB's decision on the representations should be taken into account. A Member said that as the subject application was a section 12A application, the Committee should consider the application afresh, with regard to the background of the site.

71. A Member considered that the queries on the proposed rejection reason (b) raised by the applicants were valid, as the technical assessments conducted by the applicants had ascertained the feasibility of the proposed private residential development, and the applicants had also excluded the woodland from the application site in response to the previous comments.

72. A Member expressed doubt on the proposed "CDA" zone given that the proposed private residential development was not comprehensive in nature. The Secretary re-capitulated the background of the site as set out in paragraph 4 of the Paper and said that the applicants proposed to rezone the site to "CDA" so as to allow the TPB to impose appropriate control on the proposed development through the planning application mechanism.

73. In response to a Member's question on the public housing scheme, the Secretary said that the proposed development parameters of the public housing development were included in the paper on proposed amendments to the Tuen Mun OZP, which was presented to the Committee in April 2014. The proposed layout of the development was also shown in PlanD's PowerPoint presentation just then. The tentative completion year for the proposed public housing was 2022/2023.

74. A Member sought clarification on the procedures should the Committee agree to

the application. The Secretary explained that as the representation consideration process had been completed, the TPB agreed that the draft Tuen Mun OZP No. S/TM/32 was suitable for submission under section 8 of the Town Planning Ordinance (the Ordinance) to the Chief Executive in Council (CE in C) for approval. Should the subject section 12A application be approved by the Committee, the TPB would, after the approval of the OZP, request the CE in C to refer the plan to the TPB for incorporating the proposed zoning amendment of the site from “R(A)25” to “CDA”.

75. A Member who supported the application asked whether it was appropriate to submit the application to the TPB for consideration. The Vice-chairman explained that it was the Committee’s responsibility under the delegated authority of the TPB to consider and decide on site specific applications under section 12A of the Ordinance.

76. The Vice-chairman concluded and Members agreed that the majority views were to reject the application. Whilst agreeing that the proposed public housing development at the application site would produce more housing units to meet the housing need, Members also considered that an agreement to the rezoning application would jeopardize the integrity and planning intention of the “R(A)25” zone for public housing development.

[Mr K.C. Siu left the meeting temporarily at this point.]

77. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for not supporting the application as stated in paragraph 12.1 of the Paper and considered that they should be suitably amended to reflect Members’ views as expressed at the meeting. The reasons were :

- “ (a) the committed public housing development at the application site could achieve a larger number of flats to meet the housing needs of the territory than the private residential development proposed by the applicants; and
- (b) the current “Residential (Group A) 25 (“R(A)25”) zoning for the site is considered appropriate. The proposed “Comprehensive Development Area” (“CDA”) zone, which covers part of the “R(A)25”, would

jeopardize the integrity and planning intention of the “R(A)25” zoning and there is no strong planning justification in the submission for rezoning the site to “CDA”.”

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

[Dr W.K. Yau left and the Chairman, Mr Edwin W.K. Chan, Mr Ivan C.S. Fu and Mr K.C. Siu returned to join the meeting at this point.]

Sai Kung and Islands District

[Ms Donna Y.P. Tam and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

[Ms Anita W.T. Ma arrived to join the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/48 Proposed Holiday Camp in “Government, Institution or Community” and “Green Belt” Zones, and an area shown as “Road”, Lot No. 175 in D.D. 4 Tung Chung and adjoining Government Land, Lantau Island (RNTPC Paper No. A/I-TCTC/48B)

78. Landes Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with Landes Ltd.. Members noted that Ms Lai had left the meeting already. Members also noted that Mr Fu had no involvement in the application and agreed that he could stay in the meeting.

79. With the aid of a PowerPoint presentation, 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) the proposed holiday camp;

[Dr C.P. Lau and Mr Martin W.C. Kwan returned to join the meeting at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period and the publication of the further information, four public comments were received from World Wild Fund Hong Kong (WWF), Designing Hong Kong Limited (DHK) and two members of the public. One member of the public supported the application as there was a shortage of holiday camp or facilities for youth development; another member of the public requested the Town Planning Board (TPB) to ensure that the proposed development was for local use; WWF raised concern on the lack of tree survey and tree removal/relocation plan in the submission; and DHK objected to the proposed development as no strong justification was provided for eroding the “Green Belt” (“GB”) area for the proposed use, and approval of the application would set an undesirable precedent. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments, the proposed development was not incompatible with surrounding areas, and there was only minor encroachment onto the “GB” zone. The potential adverse impact on trees could be addressed by imposing approval conditions. Concerned government departments had no objection to/adverse comments on the application.

80. Members had no question on the application.

Deliberation Session

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

- “ (a) the submission and implementation of a revised landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Fire Services Department or of the TPB; and
- (c) the submission of a revised geotechnical planning review report to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.”

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

- “ (a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that the lot owner needs to apply for a lease modification for the proposed development including the proposed widening of the non-exclusive right of way but there is no guarantee that any application could be approved. The lease modification application, if approved by LandsD in its capacity of the landlord at its discretion, will be subject to such terms and conditions, including the payment of administrative fee and premium as appropriate, as the government sees fit;
- (b) to note the comments of the Chief Building Surveyor/NTE1&L, Buildings Department that:

- (i) before any new building works are to be carried out on the site, the prior approval and consent from the Building Authority should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance;
 - (ii) if the site does not abut a “Specified Street” of not less than 4.5m wide, the development intensity (i.e. plot ratio and site coverage) should be subject to determination under Building (Planning) Regulations 19(3) upon formal submission of building plan for any new buildings. In making such a determination, factors relating to safety, traffic, service access and drainage capacity will be considered together with the comments from relevant government departments including LandsD, the Planning Department, Transport Department (TD), Drainage Services Department (DSD), Fire Services Department (FSD) etc. Without the support from the relevant government departments, the proposed development intensity is unlikely to be accepted;
 - (iii) the proposal should be provided with Emergency Vehicular Access and Means of Escape to street, which may need to be resolved with FSD and LandsD upon building plan submission;
- (c) to note the comments of the Director of Fire Services that : (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; (ii) the arrangement of emergency vehicular access shall comply with Part D of the Code of Practice for Fire Safety in Buildings 2011;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that :

- (i) there are three geotechnical features (No. 9SE-B/R28, F44 and F83), located in the vicinity of the concerned lot. The geotechnical planning review report should address the following issues : (i) the proposed alteration and addition (A&A) works in Block 1 would affect feature No. 9SE-B/R28 due to its close proximity, should additional loading for the building be induced; (ii) the effect of the foundation of the proposed new building Blocks 3 & 4, and the filling works at the existing swimming pool on the three geotechnical features are not discussed; (iii) any changes to the existing footpath along the crest of the three geotechnical features would also require assessment of their effect on these geotechnical features, and vice versa;
 - (ii) the long-term serviceability of the proposed cantilever soldier or pipe pile walls along the southern perimeter should be taken into consideration;
 - (iii) in view of insufficient technical information provided, the consultant's conclusion that 'no works will affect or be affected by 9SE-B/R28' is considered to be premature at this preliminary stage. Therefore, the stability of Feature No. 9SE-B/R28 should be subject to assessment in the detailed design submission, should it be found to affect or be affected by the proposed development;
- (e) to note the comments of the Chief Engineer/Hong Kong Island and Islands, DSD that no sewer connection is available and the applicant/lot owner is required to design, construct and maintain a sewerage system of the proposed development to the satisfaction of the Environmental Protection Department and DSD respectively at his own cost;
- (f) to note that comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that :

- (i) maintenance responsibility of the staircase on the SIMAR slope No. 9SE-B/F44 and 9SE-B/C46 should be clarified;
 - (ii) the applicant shall submit the modification proposal for footpath at Cheung Tung Road connecting the proposed widening of the staircase [non-exclusive Right-of-Way (Brown Area)];
 - (iii) if extension/modification of the footpath and cycle track at Cheung Tung Road is required due to widening of the staircase, detailed drawing and proposal should be submitted to TD, LandsD, HyD and other relevant departments for comment and agreement;
 - (iv) there is an existing tourism sign board at the toe of the proposed staircase, comment and agreement from corresponding party for its relocation is required;
 - (v) the existing staircase (existing Brown Area) encroaches onto SIMAR Slope No. 9SE-B/F44, which should be updated in SIMAR record;
 - (vi) regarding the proposed staircase widening works, it would further encroach onto two SIMAR Slopes No. 9SE-B/F44 and 9SE-B/F46. The applicant shall update the SIMAR record;
 - (vii) surface drainage channel should be constructed to collect surface runoff from Brown Area and direct to nearby storm drain. The surface runoff from the Brown Area shall not flow onto the public pavement nor the exclusive road drains at Cheung Tung Road; and
- (g) to note comments of the Chief Office (Licensing Authority), Home Affairs Department on the licensing requirements for holiday camp use.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBS/17 Further Consideration of Proposed Filling and Excavation of Land for Permitted Single Storey On-Farm Domestic Structure in “Green Belt” Zone, Lot No. 30 (Part) in D.D. 233, East of Clear Water Bay Road, Sai Kung
(RNTPC Paper No. A/SK-CWBS/17A)

83. The Secretary reported that Kenneth Ng & Associates Ltd. was one of the consultants of the applicant. Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with the consultant. Members noted that Ms Lai had left the meeting already.

Presentation and Question Sessions

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

- (a) background to the application – the applicant sought planning permission for proposed filling and excavation of land for permitted single storey on-farm domestic structure at the site. On 12.12.2014, the application was considered by the Committee while Members raised concern on the current status of the subject farm and the access arrangement leading to the site for transporting construction material, machinery, etc.. After giving consideration to the application, the Committee decided to defer a decision on the application pending further information from the applicant on the location of the farm the proposed on-farm domestic structure was to serve and access arrangement to the site;

- (b) in response to the Committee’s request, the applicant had submitted further information in support of the application. According to the applicant, the farm was a commercial nursery farm and was in operation. The

construction would be carried out by hand and no heavy machinery would be involved in the entire construction stage. All construction materials would be taken to the site via the existing footpath which linked with Clear Water Bay Road. A new vehicular access road was therefore not required for the construction;

- (c) departmental comments – the Commissioner for Transport, the Director of Agriculture, Fisheries and Conservation and the District Lands Officer/Sai Kung, Lands Department had no objection to or no adverse comment on the application; and
- (d) the Planning Department (PlanD)'s views – PlanD maintained its view of having no objection to the application having regard to the clarifications provided by the applicant and the planning assessments in paragraph 11 of Appendix FA-I of the Paper. The proposed on-farm domestic structure was a use always permitted within the “Green Belt” (“GB”) zone and the proposed filling and excavation of land to effect an always permitted use was considered not incompatible with the planning intention of the “GB” zone. The proposed work was also considered to be generally in line with the Town Planning Board Guidelines No. 10 on “Application for Development within “GB” zone” (TPB PG-No. 10) in that it would not involve any extensive clearance of existing natural vegetation or cause any disruption to the existing landscape features and the character of the area. The proposed filling and excavation of land was small in scale and was considered acceptable from a visual perspective.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.1.2019, 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 :

“ the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

“ (a) to note the comments of the Head of Geotechnical Engineering Office, the Civil Engineering and Development Department that the applicant should submit necessary Geotechnical Submission (e.g. the design of the proposed works, the assessment of any slope and retaining walls affecting or be affected by the proposed development and the design of any necessary upgrading works) to the Buildings Department for approval;

(b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that :

(i) adequate stormwater drainage facilities should be provided in association with the proposed works and no adverse drainage impact on the areas in the vicinity will be brought about by the proposed works;

(ii) the applicant should check and ensure that the completed drainage works and the downstream drainage systems have adequate capacity and are in good condition to accommodate the associated runoff; and

(iii) the site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present;

(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 may need to extend the inside services to the nearest suitable government water mains for connection. The applicant

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

- (d) to note the comments of the District Lands Officer/Sai Kung, Lands Department that the applicant should submit an application to the Director of Agriculture, Fisheries and Conservation for erection of the on-farm structure exclusively for agricultural purpose or apply to his office for the Short Term Waiver for the commercial farming facilities at terms and conditions, including payment of waiver fee and administration fee, as his office may consider appropriate; and
- (e) to note the comments of the Commissioner for Transport that loading/unloading (L/UL) activities and any temporary occupation of Government land (GL) (including public roads) are governed by relevant legislations. Any such L/UL/temporary occupation of GL activities should be well planned ahead and in consultation with the concerned authorities.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/SK-CWBS/18 Proposed Public Utility Installation (Earthing Wire) and associated Excavation of Land in “Conservation Area” Zone, Hillside of Lung Ha Wan Road, Sai Kung
(RNTPC Paper No. A/SK-CWBS/18)

88. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). The following Members had declared interests in this item :

Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association (HKMSEA) that had obtained sponsorship from CLP

Dr Eugene K.K. Chan - being the Convenor of HKMSEA that had obtained sponsorship from CLP

89. Members noted that Ms Lee and Dr Chan had tendered apologies for being unable to attend the meeting.

90. The Secretary reported that on 2.1.2015, 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 government departments. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/239 House (Private Garden Ancillary to New Territories Exempted House) on a Temporary Basis for a Period of 3 Years in “Village Type Development” and “Road” Zones, Lots No. 1074 S.B (Part) and 1067 R.P (Part) in D.D. 244 and Adjoining Government Land, Ho Chung New Village, Sai Kung
(RNTPC Paper No. A/SK-HC/239)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the house (private garden ancillary to New Territories Exempted House) on a temporary basis for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and an individual objecting to the application mainly on the grounds that the applied use was incompatible with the area designated as ‘Road’; adequate access was required for safety, convenience and welfare of the community; and the site was located on the only fire exit/emergency vehicular access (EVA) of Ho Chung New Village;
- (e) the District Officer (Sai Kung) conveyed that no local objection/view was

received. However, it was considered that the blockage of road/EVA was a very sensitive issue; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the District Officer (Sai Kung)'s and the public comments, it was considered that the application would not result in adverse impacts and was not incompatible with the surrounding developments. It should be noted that the width of the existing access directly fronting the site was about 5m and the Director of Fire Services had no objection to the application.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (b) in relation to (a) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.10.2015;
- (c) if any of the above planning conditions (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; and
- (d) 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.”

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

- “ (a) to note the comments of the District Lands Officer/Sai Kung that the applicant is required to obtain a Short Term Tenancy (STT) for garden use on Government land from his office. Notwithstanding the grant of the planning consent by the TPB, there is no guarantee that his office will grant a STT and, if granted, the STT will be subject to terms and conditions, including payment of rent and administrative fee, as his office considers appropriate;
- (b) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Additionally, if any uncharted water mains are affected, the applicant shall bear the cost of the necessary diversion works; and
- (d) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department.”

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/240 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lots 378 S.A ss.1 and 426 S.A in D.D. 244, Ho
 Chung, Sai Kung
 (RNTPC Paper No. A/SK-HC/240)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of one Small House, C for T considered that the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed development was

incompatible with the planning intention of the “Agriculture” zone; cumulative impacts of the all existing and future Small House developments on the amount of farmland in Hong Kong should be considered; there was no traffic or environmental impact assessment in the submission; and continuous increase in population and number of houses in Ho Chung would lead to inadequate provision of road access. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although DAFC did not support the application from agricultural point of view, there was no farming activity at the site. The immediate vicinity was already occupied by Small Houses and the proposed Small House was not incompatible with the surroundings. The application complied with the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories in that there was a general shortage of land in meeting Small House development in the “V” zone of Ho Chung Village. The proposed NTEH development would not result in adverse drainage, landscape and environmental impacts on the surrounding areas, and no objection had been raised by concerned government departments. Regarding the public comments, the above assessments were relevant.

97. Members had no question on the application.

Deliberation Session

98. 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 16.1.2019, 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 provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

99. 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) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standard;
- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas.”

[The Chairman thanked Ms Donna Y.P. Tam and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr C.K. Soh, District Planning Officer, Sha Tin, Tai Po and North (DPO/STN), Mr C.K. Tsang, Ms Channy C. Yang, Mr Wallace W.K. Tang and Mr C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/863 Proposed Office in “Residential (Group A)” Zone, 60-68 Chik Chuen Street, Tai Wai, Sha Tin
(RNTPC Paper No. A/ST/863)

100. The Secretary reported that Ms Christina M. Lee had declared an interest in this item as her spouse owned a flat in Mei Tin Road, Tai Wai. Members noted that Ms Lee had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

101. 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) the proposed office;

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicant had not provided sufficient information to support the application. The applicant should further

review the proposed location of run in/out, the parking spaces of the development, and the manoeuvring space for the goods vehicle and private car;

- (d) during the first three weeks of the statutory publication period, 29 public comments were received from a Sha Tin District Councillor, Sha Tin Rural Committee, Tai Wai Village Office and nearby residents objecting to the application mainly on the grounds that the claimed high demand for office floor space in Tai Wai area contradicted to the actual situation; there were needs for community facilities in Tai Wai; the proposed office development would create ‘wall-like’ building, light pollution and adverse traffic, environmental, ecological and air ventilation/quality impacts, and *fung shui* problem; the construction works would cause structural problem to the nearby buildings; and approval of the application would set a bad precedent. No local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed office building was incompatible with the residential character of the surrounding area and the applicant failed to demonstrate that the proposed development would not have significant adverse visual impact on the surrounding low-rise residential developments. Moreover, C for T did not support the application. The application was not in line with the Town Planning Board (TPB) Guidelines for Application for Office Development in Residential (Group A) Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 5) in that the proposed development should not be located in a predominantly residential area and should not cause congestion and disruption to the traffic flow of the locality.

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

102. Members had no question on the application.

Deliberation Session

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

- “ (a) the proposed office development is not compatible with the surrounding area which is predominantly residential in character with low-rise buildings of 4 to 6 storeys high;
- (b) the applicant fails to demonstrate that the proposed office development would not cause adverse traffic impact on the surroundings; and
- (c) the approval of the application would set an undesirable precedent for similar applications for high-rise commercial development in the area. The cumulative effect of approving similar applications will have adverse impact on the traffic, character and environment of the area.”

Agenda Item 15

Section 16 Application

[Open Meeting]

A/DPA/NE-TT/1 Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in Area Designated as “Unspecified Use”, Lots 476 S.B ss.2 and ss.3 in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/1A)

104. The Secretary reported that on 6.1.2015, the applicants had requested for deferment of the consideration of the application for two months in order to allow time for consultation with relevant government departments and preparation of technical clarifications and responses to the departmental comments in respect of the further information. This was the applicants’ second request for deferment.

105. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

Agenda Items 16 and 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/5 Proposed House (New Territories Exempted House - Small House) in Area Designated as "Unspecified Use", Lots 910 S.C, 911 S.D and 913 S.B in D.D. 289, Uk Tau, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/5)

A/DPA/NE-TT/6 Proposed House (New Territories Exempted House - Small House) in Area Designated as "Unspecified Use", Lots 909 S.B, 910 S.B and 911 S.C, Uk Tau, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/6)

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

Presentation and Question Sessions

107. Ms Channy C. Yang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered that the applications could be tolerated unless they were rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications as the construction of the Small House developments and temporary access might involve extensive slope cutting/site formation and further vegetation clearance, which would likely cause adverse landscape impacts beyond the site. In addition, approval of the application would set an undesirable precedent for similar applications to extend the village into the woodland and the cumulative effect would result in a general degradation of the woodland and cause adverse impacts on the landscape resources and landscape character of the area;
- (d) during the first three weeks of the statutory publication period, three public comments on each of the applications were received from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong objecting to the applications mainly on

the grounds that the applications were not in line with the planning intention of the area and no development should be approved prior to the detailed planning of the “Unspecified Use” (“U”) area; no environmental, traffic, drainage and sewerage impact assessments had been provided and the proposed developments would cause ecological and landscape impacts; approval of the applications would set an undesirable precedent for other similar applications; and there had been vegetation clearance. No local objection/view was received by the District Officer (Tai Po); and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Papers. The proposed Small House developments were considered not compatible with the surrounding environment which was mainly natural in character comprising the woodland hillslope. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed development would have adverse landscape impacts on the surrounding area. The approval of the application would set an undesirable precedent for other similar applications and the cumulative effect would cause adverse impacts on the landscape resources and landscape character of the area. Regarding the public comments that no development should be approved prior to the detailed planning of the “U” area, it was not the intention of the Development Permission Area Plan to prohibit development but rather to establish planning control of the area pending the preparation of an Outline Zoning Plan. Application for development in this period could be considered on a case-by-case basis on individual merits;

108. Members had no question on the applications.

Deliberation Session

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

- “ (a) 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 development would cause adverse landscape impact on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area, the cumulative impact of which would have adverse impacts on the natural environment and landscape character of the area.”

Agenda Items 18 and 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/7 Proposed House (New Territories Exempted House - Small House) in Area Designated as “Unspecified Use” and “Village Type Development” Zone, Lot 70 S.A in D.D. 292, Tai Tan, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/7)

A/DPA/NE-TT/8 Proposed House (New Territories Exempted House - Small House) in Area Designated as “Unspecified Use”, Lot 68 S.A in D.D. 292, Tai Tan, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/8)

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

Presentation and Question Sessions

111. Ms Channy C. Yang, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. Major departmental comments were summarised as below :

Comments of the Commissioner for Transport (C for T)

(For Application No. A/DPA/NE-TT/8)

- (i) C for T had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of one Small House, C for T considered that the application could be tolerated unless they were rejected on other grounds;

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

(For Application No. A/DPA/NE-TT/7)

- (ii) CTP/UD&L, PlanD had reservation on the application from the landscape planning perspective as the extent and details of the site formation or stabilization work were unclear, which might be of large scale requiring removal of vegetation clearance beyond the site. As no information was provided in the application, the landscape impact could not be fully ascertained;

(For Application No. A/DPA/NE-TT/8)

- (iii) CTP/UD&L, PlanD had strong reservation on the application from the landscape planning perspective as the extent and details of the site formation or stabilization work were unclear, which might be of large scale requiring removal of vegetation clearance beyond the site. In addition, the site was close to the woodland in the north. The approval of the application would set an undesirable precedent for other similar applications to extend the village into the woodland and the cumulative effect would result in a general degradation of the woodland and cause adverse impacts on the landscape of the area;
- (d) during the first three weeks of the statutory publication period, three public comments on each of the applications were received from Designing Hong Kong Limited, Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong objecting to the applications mainly on the grounds that the applications were not in line with the planning intention of the “Unspecified Use” (“U”) area and no development should be approved prior to the detailed planning of the “U” area; no environmental, traffic, drainage and sewerage impact assessments had been provided and the proposed developments would cause ecological impacts; approval of the applications would set an undesirable precedent for other similar applications; and there had been vegetation clearance. No local objection/view was received by the District Officer (Tai Po); and

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

- (e) PlanD’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 12 of the Paper and highlighted below :

(For Application No. A/DPA/NE-TT/7)

- (i) the application complied with the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories (the Interim Criteria) in that there was a general shortage of land in meeting Small House development in the “Village Type

Development” (“V”) zone of Tai Tan. The proposed Small House was not incompatible with the surrounding environment which was mainly rural in character. Regarding the concerns of CTP/UD&L, PlanD, it should be noted that the site was predominantly flat and situated next to an existing footpath. The applicant also indicated that the construction of the proposed Small House could be limited and concrete retaining wall could be adopted to avoid causing impacts to the adjoining land. Besides, approval conditions on the submission and implementation of landscape and tree preservation proposal including site formation plan were recommended. Regarding the public comments on previous vegetation clearance and no development should be approved prior to the detailed planning of the “U” area, it should be noted that the site was now covered by shrubs and herbs. It was not the intention of the Development Permission Area (DPA) Plan to prohibit development but rather to establish planning control of the area pending the preparation of an Outline Zoning Plan. Application for development in this period could be considered on a case-by-case basis on individual merits;

(For Application No. A/DPA/NE-TT/8)

- (ii) the application complied with the Interim Criteria in that there was a general shortage of land in meeting Small House development in the “V” zone of Tai Tan. The proposed Small House was not incompatible with the surrounding environment which was mainly rural in character. In response to the concerns of CTP/UD&L, PlanD, the applicant indicated that the construction of the proposed Small House could be limited and concrete retaining wall could be adopted to avoid causing impacts to the adjoining land. The Director of Agriculture, Fisheries and Conservation also advised that whether the peripheral area would be impacted by the proposed development would depend on how the construction works were to be executed and the Head of Geotechnical Engineering Office, Civil

Engineering and Development Department had no comment on the application. Besides, approval conditions on the submission and implementation of landscape and tree preservation proposals including site formation plan were recommended; and

- (iii) regarding the public comments on previous vegetation clearance and no development should be approved prior to the detailed planning of the “U” area, it should be noted that the site was now covered by shrubs and herbs. It was not the intention of the DPA Plan to prohibit development but rather to establish planning control of the area pending the preparation of an Outline Zoning Plan (OZP). Application for development in this period could be considered on a case-by-case basis on individual merits.

112. Members had no question on the applications.

Deliberation Session

113. Regarding the possible extension of “V” zone boundary on the future OZP that would replace the DPA Plan, Members noted that according to the Director of Agriculture, Fisheries and Conservation, it would be undesirable to allow developments in area to the northwest of the application site, which was occupied by woodlands. As such, it would be more reasonable to extend the existing “V” zone to the flat area on the northern side, which could be accessed via an existing road.

114. The Chairman said that there was minor encroachment of the proposed Small House under Application No. A/DPA/NE-TT/7 onto the Tai Tan Country Trail. It was noted that the applicant undertook to maintain the trail free from obstacles upon development of the proposed Small House and had reduced the width of the balcony of the proposed Small House in this regard.

115. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 16.1.2019, and after the said date,

the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

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

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

(For Application No. A/DPA/NE-TT/7)

- “ (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval has been given by the TPB, his office will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) to note the comments of the Director of Fire Services that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system. There is no existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (d) to note the comments of the Director of Environmental Protection that the applicant should follow the ProPECC PN 5/93 for the design and construction of the septic tank and soakaway system;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should not interfere with trees outside the lot boundary, in particular those on Government land;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the

requisition of cable plans and overhead line alignment drawings to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. Based on the cable plans and 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 the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or their contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure; 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 contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

(For Application No. A/DPA/NE-TT/8)

“ (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that after planning approval has been given by the Board, his office will process the Small House application. If the Small House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to

the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;

- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should minimize the impact on vegetation outside the lot boundary, in particular trees on Government land;
- (c) to note the comments of the Director of Fire Services that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant/owner is also required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (e) to note the comments of the Director of Environmental Protection that the applicant should follow the ProPECC PN 5/93 for the design and construction of the septic tank and soakaway system;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should submit the landscape and tree preservation proposal including a site formation plan at the early stage or in parallel with the submission to the Head of

Geotechnical Engineering Office, Civil Engineering and Development Department to demonstrate that the impact on surrounding landscape is minimized for the proposed development;

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

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and 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) prior to establishing any structure within the site, the applicant and/or their contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

 - (ii) 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 contractor(s) when carrying out works in the vicinity of the electricity supply

lines.”

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/94 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1406 S.A in D.D.39, Ma Tseuk Leng, Sha Tau
Kok
(RNTPC Paper No. A/NE-LK/94 and 95)

A/NE-LK/95 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1406 RP in D.D. 39, Ma Tseuk Leng, Sha Tau
Kok
(RNTPC Paper No. A/NE-LK/94 and 95)

117. The Committee noted that the two applications were similar in nature and presented in one paper, and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from

an agricultural development standpoint as the sites possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered that the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received from a North District Council (NDC) Member and Designing Hong Kong Limited (DHKL). The NDC Member supported both applications as they could bring convenience to the villagers. DHKL objected to the applications mainly on the grounds that the proposed Small Houses were not in line with the planning intention of the “Agriculture” zone; the agricultural land should be retained to safeguard our food supply; there was no environmental and traffic assessments submitted; and approval of the applications would set undesirable precedents for similar applications in the area;
- (e) the District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee, a NDC Member and one Village Representative of Ma Tseuk Leng Sheung supported or had no comment on the applications; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories in that there was insufficient land within the “V” zone of Ma Tseuk Leng to meet the Small House demand. The proposed Small Houses were not incompatible to the surrounding environment which was in a typical rural landscape character surrounded by village houses and fallow agricultural

land. Regarding the public comment on each of the applications, the above assessments were relevant.

119. Members had no question on the applications.

Deliberation Session

120. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 16.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

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

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

- “ (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to

WSD's standards;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (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 (HyD) that any access road leading from Sha Tau Kok Road to the site is not maintained by HyD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/557 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 1602 S.A, 1602 S.B, 1602 S.C and 1602 S.D in D.D. 76, Kan Tau Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/557)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed 4 houses (New Territories Exempted Houses (NTEH) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from an agricultural development standpoint as the site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, the application only involved construction of four Small Houses. C for T considered that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning point of view as the proposed development

had not reserved sufficient space for landscape treatment.

- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council Member supported the application as it could provide convenience to the villagers. The Chairman of Fanling District Rural Committee (FDRC) objected to the application mainly on the grounds that the development intensity of the proposed development was excessive, and the applicants had not reserved sufficient space for provision of drainage, landscaping and public access, which would cause adverse impacts on the surrounding area in future. The remaining comment submitted by Designing Hong Kong Limited also objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewage assessments had been submitted; and setting of undesirable precedent for similar applications;
- (e) the District Officer (North) conveyed that the Resident Representative and Indigenous Inhabitant Representative of Kan Tau Tsuen supported the application as the site was close to the village ‘environs’ and approval of the application could help ease the housing shortage problem. The Chairman of FDRC objected to the application on the same grounds as mentioned in paragraph (d) above; and

[Dr C.P. Lau left the meeting temporarily at this point.]

- (f) 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 Development in New Territories in that there was a general shortage of land in meeting Small House development in the “V” zone of Kan Tau Tsuen. The proposed Small Houses were considered not incompatible with the surrounding area of rural landscape character

dominated by village houses and fallow agricultural land. 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 public comment on the development intensity of the proposed Small Houses, it should be noted that the development parameters proposed were within the specifications for NTEH/Small House under the Small House Policy.

123. Members had no question on the application.

Deliberation Session

124. 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 16.1.2019, 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 tanks, as proposed by the applicants, at locations 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.”

125. 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 sites are in an area where no public sewerage connection is available;

- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access track adjacent to the site is not maintained by HyD;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that : (i) for provision of water supply to the proposed development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants 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;
- (d) to note the comments of the Director of Fire Services that the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal applications referred by LandsD; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

[Mr K.C. Siu left the meeting temporarily at this point.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/558 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” Zone, Lot 1748 S.A in D.D. 76, Leng Pei Tsuen, Fanling
 (RNTPC Paper No. A/NE-LYT/558)

Presentation and Question Sessions

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

- (a) background to the application;

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

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation did not support the application from an agricultural development standpoint as the site possessed potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, the application only involved construction of one Small House. C for T considered that the application could be tolerated unless it was rejected on other grounds. 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 as three numbers of *Ficus microcarpa* might be affected by the proposed development;

- (d) during the first three weeks of the statutory publication period, four public comments were received. The Chairman of Fanling District Rural Committee (FDRC) and a North District Council Member had no comment on the application while other comments submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewage assessments had been submitted; and setting of undesirable precedent for similar applications;
- (e) the District Officer (North) conveyed that the Chairman of FDRC had no comment on the application, while the Resident Representative and Indigenous Inhabitant Representative of Leng Pei Tsuen objected to the application mainly on the grounds that the proposed development would block a ditch in the vicinity and cause flooding to the area; and
- (f) 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 Development in New Territories in that there was a general shortage of land in meeting Small House development in the “V” zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen. The proposed Small House development was not incompatible with the rural landscape character of the surrounding area dominated by village houses and fallow agricultural land. 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 public comments, concerned departments had no objection to or no adverse comment on the application.

127. Members had no question on the application.

Deliberation Session

128. 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 16.1.2019, 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.”

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

- “ (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Highway Engineer /New Territories East, Highways Department (HyD) that the existing access tracks adjacent to the site are not maintained by HyD;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that : (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. 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;

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

[Mr F.C. Chan left the meeting and Mr K.C. Siu returned to join the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-MUP/110 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 56 S.D in D.D.46, Tai Tong Wu Village, Man
Uk Pin
(RNTPC Paper No. A/NE-MUP/110)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from the agricultural development point of view as the site might be used for plant nursery or greenhouse cultivation. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of one Small House, C for T considered that the application could be tolerated unless it was rejected on other grounds;

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

- (d) during the first three weeks of the statutory publication period, two public comments were received. The comment submitted by a North District Council (NDC) Member supported the application as it would bring convenience to the villager. The remaining comment submitted by Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House development was not in line with the planning intention of the “Agriculture” zone; agricultural land should be retained to safeguard food supply; and no technical assessments had been submitted to demonstrate that the proposed development would not have traffic, sewerage or environmental impacts on the surrounding area;
- (e) the District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee supported the application, while a NDC Member

and two Village Representatives of Tai Tong Wu had no comment on the application;

- (f) 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 generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories in that there was insufficient land within the “V” zone of Tai Tong Wu Village to meet the Small House demand. The proposed Small House was not incompatible with the surrounding rural landscape character dominated by village houses, tree groups and fallow farmland. Regarding the public comments received, relevant government departments had no objection/adverse comments on the application.

131. Members had no question on the application.

Deliberation Session

132. 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 16.1.2019, 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.”

133. 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) that : (i) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection and to resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and (ii) the site is located within flood pumping gathering ground;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where public sewerage connection is not 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 (HyD) that the existing access track adjacent to the site is not maintained by HyD;
- (e) to follow the requirements as set out in the ProPECC PN 5/93 published by the Environmental Protection Department on the design and construction of the septic tank and soakaway pit system for the proposed Small House; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB

where required before carrying out the road works.”

Agenda Items 25 and 26

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/69 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lots 1590 S.A and 1591 S.A in D.D. 91, Kai
Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/69 and 70)

A/NE-PK/70 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 1589 RP in D.D. 91, Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/69 and 70)

134. The Committee noted that the two applications were similar in nature and presented in one paper, and the sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

[Mr K.C. Siu left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture,

Fisheries and Conservation (DAFC) did not support the applications from an agricultural development standpoint as the sites possessed high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the applications and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered that the applications could be tolerated unless they were rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, four public comments on each of the applications were received. A North District Council (NDC) Member supported both applications as it could provide convenience to the villagers. The remaining three comments objected to the applications. Two comments submitted by private individuals/local villagers of Ping Kong Village commented that village land should be reserved for indigenous villagers of their own clan and no local consultation had been made. Another comment submitted by Designing Hong Kong Limited commented that the proposed development was not in line with the planning intention of the “Agriculture” zone; agricultural land should be retained to safeguard the food supply for Hong Kong; no environmental, traffic, drainage and sewage assessments had been submitted; and setting of undesirable precedent for similar applications;
- (e) the District Officer (North) (DO(N)) conveyed that a NDC Member supported both applications while the Chairman of Sheung Shui District Rural Committee, the Indigenous Inhabitant Representative and Resident Representative of Kai Leng had no comment on the applications. Regarding the possible encroachment of the site upon an existing footpath (Application No. A/NE-PK/70), he advised that the footpath was not maintained by his office but the applicant of Application No. A/NE-PK/70 had the responsibility to keep the footpath open. Road diversion for the

proposed development, if necessary, was acceptable by his office. Development of the proposed Small Houses should not affect the flow of the existing ditch along the footpath and the ditch should be kept free from blockage to ensure accessibility; and

[Mr K.C. Siu returned to join and Dr C.P. Lau left the meeting at this point.]

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments set out in paragraph 11 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories in that there was a general shortage of land within the “V” zone of Kai Leng to meet the Small House demand. The proposed Small Houses were considered not incompatible with the surrounding area of rural landscape character dominated by temporary structures, tree groups, farmland and village houses. Regarding DO(N)'s comments on the possible encroachment of the site (Application No. A/NE-PK/70) on an existing footpath, the applicant undertook that the existing footpath would be retained for public passage upon completion of the proposed Small House. Regarding the public comment on each of the applications, the above assessments were relevant.

136. Members had no question on the applications.

Deliberation Session

137. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 16.1.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

- “ (a) the provision of septic tank, as proposed by the applicant, at a location to

the satisfaction of the Director of Lands or of the TPB;

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

138. The Committee also agreed to advise the applicant of each of the applications 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 that : (i) existing water mains is in close vicinity of the site, the applicant should bear the cost of any necessary diversion works affected by the proposed development; (ii) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and (iii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access track adjacent 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 that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

(For Application No. A/NE-PK/69 only)

- “ (f) to note the comments of the District Officer (North), Home Affairs Department that there is an existing ditch along the footpath. Development of the proposed Small House should not affect the flow and the ditch should be kept free from blockage to ensure its accessibility.”

(For Application No. A/NE-PK/70 only)

- “ (f) to note the comments of the District Officer (North), Home Affairs Department that : (i) the site may encroach upon an existing footpath which is not maintained by his office. The applicant has the responsibility to keep the footpath open. Road diversion for the proposed development, if necessary, is acceptable by his office; and there is an existing ditch along the footpath. Development of the proposed Small House should not affect the flow and the ditch should be kept free from blockage to ensure its accessibility.”

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-STK/5 Proposed Temporary Public Vehicle Park for Coaches and Private Cars for a Period of 3 Years in “Agriculture” Zone, Lots 443 S.B RP (Part), 444 S.B RP (Part), 445 S.B RP (Part), 446 S.B RP (Part) and 447 S.B (Part) in D.D. 41 and adjoining Government Land, Sha Tau Kok (RNTPC Paper No. A/NE-STK/5A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for coaches and private cars for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were active agricultural activities in the vicinity of the site. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application and commented that with reference to the aerial photo in 2013, the site which used to be fully vegetated had been disturbed by suspected unauthorized use; there was not sufficient information to ascertain whether there was sufficient protection to the existing trees; and there was still potential area for additional landscape planting;

- (d) during the first three weeks of the statutory publication period, three public comments were received. One comment submitted by a North District Council (NDC) Member supported the application as it could provide convenience to the applicant. The remaining two comments submitted by World Wide Fund for Nature Hong Kong and 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 the “Agriculture” zone; no relevant traffic, sewerage and environmental assessments had been submitted; there had been vegetation clearance; and approval of the application would set an undesirable precedent for similar applications in the area;
- (e) the District Officer (North) conveyed that the Chairman of Sha Tau Kok District Rural Committee and one Village Representative of Tong To indicated support to the application. A NDC Member and another Village Representative of Tong To had no comment on the application; and
- (f) PlanD’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Approval of the application could help meet some of the parking demand/requests for public vehicle parking spaces from the local community, in particular during the weekends and public holidays. Although DEP did not support the application, there had not been any substantiated environmental complaint for the site in the past three years and approval conditions restricting the operation hours, and prohibiting vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity at the site were recommended. Besides, to address the concerns of CTP/UD&L, PlanD, an approval condition on the submission and implementation of tree preservation and landscape proposals was recommended. Other government departments consulted had no adverse comment on or no objection to the application. Regarding the public comments, the above assessments were relevant.

140. A Member referred to Plan A-3b of the Paper and noted that mature trees were found within the site. The Member asked whether the applicant could fell the trees. In response, Mr Wallace W.K. Tang, STP/STN, said that to protect the concerned trees, CTP/UD&L, PlanD requested that should the application be approved, an approval condition on the submission and implementation of tree preservation and landscape proposals should be imposed.

141. In response to the Chairman's follow-up question, Mr C.K. Soh, DPO/STN, supplemented that, with the proposed approval condition, the applicant would not be allowed to remove the trees if they were in good health. As the existing condition of the trees were not known, the proposed condition could allow flexibility for CTP/UD&L, PlanD to consider whether the trees should be kept or compensatory tree planting was more preferable.

Deliberation Session

142. A Member raised concern on imposing the standard approval condition on the submission and implementation of tree preservation and landscape proposals for the subject application. The Chairman asked if the approval condition could be suitably amended to explicitly state that no tree felling would be allowed. With reference to the landscape proposal submitted by the applicant as shown in the visualizer, the Secretary said that the applicant proposed to preserve the existing *Ficus microcarpa*. The Chairman suggested and Members agreed to advise the applicant that no tree felling would be allowed.

143. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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 vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (c) only coaches and private cars as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that only coaches and private cars as defined in the Road Traffic Ordinance are allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repairing, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle onto public road is allowed at any time during the planning approval period;
- (g) the provision of boundary fence on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (h) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.10.2015;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;

- (k) in relation to (j) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2015;
- (l) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2015;
- (m) in relation to (l) above, the implementation of proposals for water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (g), (h), (i), (j) (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “ (a) no tree felling, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) to 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 (BO). The applicant should obtain the Building Authority (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;

- (c) to note the comments of the District Lands Officer/North, Lands Department that the owners of the lots should be advised to apply to his office for Short Term Waiver (STW) for any structures erected or to be erected on the lots. The applicant shall also apply to his office for a Short Term Tenancy (STT) for the occupation of Government land. There is no guarantee that the applications for STW and STT will be approved. If the STW and STT are approved, they will be subject to such terms and conditions to be imposed including payment of STW fees and STT rental;
- (d) 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;
- (e) to note the comments of the Director of Fire Services that 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 his department incorporated with the proposed FSIs for approval. In doing so, the applicant should note that :
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (ii) the location of where the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;

- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD in the following :
- (i) 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 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 BO;
 - (ii) if the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
 - (iii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)Rs) respectively; and
 - (iv) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)Rs at the building plan submission stage;
- (g) to note the comments of the Commissioner for Transport that the applicant proposes to use a village road for the access to the site. The village road is not under the Transport Department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibility of the same access should also be clarified with the relevant lands and maintenance authorities accordingly; and

- (h) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize any possible environmental nuisances.”

Agenda Item 28

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/6A)

145. The Secretary reported that on 23.12.2014, 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 the further comments of the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s second request for deferment.

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

146. The Chairman said that as the site was in close proximity to the adjacent mangrove, the Central Enforcement and Prosecution Section, Planning Department was reminded to closely monitor the site to avoid any unauthorized site formation works.

147. 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

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/98 Renewal of Planning Approval for Temporary Golf Driving Range for a Period of 3 Years in “Comprehensive Development Area” Zone and an Area Shown as ‘Road’, Various Lots in D.D. 165 and D.D. 218 and Adjoining Government Land, Sai Sha, Shap Sz Heung
(RNTPC Paper No. A/NE-SSH/98)

150. The Secretary reported that the application was submitted by Winberg Investments Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The following Members have declared interests in this item :

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

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

- Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association (HKMSEA) that had obtained sponsorship from SHK

- Dr Eugene K.K. Chan - being the Convenor of HKMSEA that had obtained sponsorship from SHK

151. Members noted that Ms Lee and Dr Chan had tendered apologies for being unable to attend the meeting, and Ms Lai had left the meeting already. Members also considered that the interest of Mr Fu was direct, and he should leave the meeting temporarily for this item.

[Mr Ivan C.S. Fu left the meeting temporarily and Ms Anita W.T. Ma returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary golf driving range under application No. A/NE-SSH/78 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 publication period, no public comment was received and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The proposed renewal application complied with the Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B). All concerned departments had no adverse comment on or no objection to the application.

153. Members had no question on the application.

Deliberation Session

154. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.1.2015 to 23.1.2018, on the terms of the application as submitted to the Town Planning Board.

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

- “ (a) to resolve any land issue relating to the development with the concerned owner of the site;
- (b) to note the comments of the Commissioner for Transport that the village access is not under the Transport Department’s management and to check with the lands authority on the land status of the village access and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (d) to note the comments of the Director of Fire Services that : (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and (ii) the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department (BD);
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains will be affected and the applicant shall bear the necessary diversion cost; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that if there are existing structures erected on leased land without approval of BD, they are unauthorized under the Buildings

Ordinance and enforcement action may be taken by the Buildings Authority to effect their removal in accordance with BD's enforcement policy against Unauthorized Building Works (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 Buildings Ordinance. The temporary building(s) is subject to control under Part VII of the Building (Planning) Regulations. Detailed comments will be given at building plan submission stage."

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

Agenda Item 31

Section 16 Application

[Open Meeting]

A/NE-SSH/99 Proposed House (New Territories Exempted House - Small House) in "Comprehensive Development Area", "Green Belt" and "Village Type Development" Zones, Lot No. 1213 S.B ss.2 in D.D. 218, Che Ha Village, Shap Sz Heung, Sai Kung North
(RNTPC Paper No. A/NE-SSH/99)

156. The Secretary reported that on 31.12.2014, 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 the public comments. This was the first time that the applicant requested for deferment.

157. 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

boundary of the site would be damaged and as the site was located at the hillside, significant site formation seemed necessary. Moreover, the approval of the application would encourage similar applications and the cumulative effects of approving these developments would result in urban sprawl and further degradation of landscape quality;

- (d) during the first three weeks of the statutory publication period, four public comments were received from World Wide Fund for Nature Hong Kong, Designing Hong Kong, a company and a member of the public objecting to the application mainly on the grounds of being not in line with the planning intention of the “Green Belt” zone; setting of undesirable precedent for similar applications in the area; cumulative impacts would result in urban sprawl and a general degradation of the natural environment; adverse traffic and parking impacts, depriving the right of way; and affecting the emergency vehicular access for nearby development as well as the future development potential of the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) 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 Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories (the Interim Criteria) in that there was a general shortage of land in meeting Small House development in the “V” zone of Tai Mei Tuk Village. The proposed Small House was not incompatible with the surrounding area which was predominantly rural in character with village cluster to the immediate south and west of the site. To address the concern of CTP/UD&L, PlanD, an approval condition on tree preservation was recommended. Since the proposed development was not expected to have significant adverse impacts on the landscape, traffic and the existing and planned infrastructure, it was considered in compliance with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10).

159. In response to a Member's enquiry on the assessment criteria under the Interim Criteria, Mr C.T. Lau, STP/STN, explained that according to the Interim Criteria, sympathetic consideration might be given if not less than 50% of the proposed NTEH/Small House footprint fell within the village 'environs' of a recognized village in that there was a general shortage of land in meeting the demand for Small House development in the "V" zone of the village. Besides, for proposed development located within water gathering grounds, it should be able to be connected to existing or planned sewerage system in the area except under very special circumstances.

Deliberation Session

160. 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 16.1.2019, 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 proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the diversion of the existing water mains within the site affected by the proposed development to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the submission of a geotechnical investigation report and implementation of the necessary geotechnical remedial works identified therein, to the

satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.”

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

- “ (a) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (b) to note the comments of the Director of Environmental Protection that there is an existing trunk sewer with sufficient capacity in the vicinity of the site, the sewer connection is feasible; and the applicant should connect the public sewer at his own cost;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that :
- (i) there is no existing DSD maintained public drain available for connection in this area;
- (ii) 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. Any existing flow path affected should be re-provided;
- (iii) 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;

- (iv) 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;
 - (v) public sewerage connection is available in the vicinity of the site. The Environmental Protection Department should be consulted on the sewerage treatment/disposal aspects of the proposed development; and
 - (vi) upon completion of the sewerage connection, an on-site technical audit will be carried out by his office. The owner or Authorized Person should submit the application for technical audit (Form HBP1), the approved drainage plan and the technical audit fee to his office at least 2 weeks before the technical audit. Form HBP1 can be downloaded from DSD's website at www.dsd.gov.hk;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
- (i) an existing water mains will be affected. A strip of land of 1.5m in width should be provided for the diversion of the existing water mains. The applicant shall bear the cost of any necessary diversion works affected by the proposed development and shall submit all the relevant proposals to WSD for consideration and agreement before the works commence;
 - (ii) for provision of water supply to the developments, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water

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

(iii) water mains in the vicinity of the site cannot provide the standard fire-fighting flow.

(e) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; and

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/532 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land South of adjoining Lots 944 and 945 in D.D. 28, Wong Chuk Tsuen, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/532)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant) 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 publication period, no public comment was received and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

163. With reference to the existing sewer shown on Plan A-2 of the Paper, the Chairman asked the sewage condition of the site. In response, Mr C.T. Lau, STP/STN, said that the sewage disposal facilities was considered acceptable.

Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 10:00 p.m. and 11:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the provision of a clearance of 1.5m from the edge of the drainage channel

at all times during the planning approval period;

- (c) no structure or support for any structure shall be erected within the area of drainage reserve at any time during the planning approval period;
- (d) the submission of proposal for fire service installations (FSIs) within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2015;
- (e) in relation to (d) above, the provision of FSIs within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2015;
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with at any time during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (g) if the above planning conditions (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (h) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

165. 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 that the applicant should : (i) be required to cease occupation of the Government land by removing the as-built unauthorized iron framed signboards with tables and chairs placed within the site. Otherwise, land control action will be taken; and (ii) apply for Outside Seating

Accommodation Licence from the Food and Environmental Hygiene Department;

- (b) to note the comments of the Director of Food and Environmental Hygiene that the applicant is required to : (i) obtain valid food licence(s) before commencing to operate the food business of the restaurant and Outside Seating Accommodation; and (ii) make his own arrangement for disposal of trade waste arising from operation of the restaurant business. The Government will not provide collection service for trade waste;
- (c) to note the comments of the Director of Fire Services that : (i) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans/licence application; and (ii) the applicant is advised to observe the requirements of emergency vehicular access as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administered by the Buildings Department;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that :
 - (i) with the prior written consent of the Director of Lands (D of Lands) and subject to such terms and conditions as he may impose, the applicant may erect or permit to be erected on the area of Drainage Reserve (DR) a minor structure or structures provided that if and when required by D of Lands, the applicant shall at his own expense, within the period specified by and in all respects to the satisfaction of D of Lands, remove or demolish such structure or structures and reinstate the area of DR. If the applicant fails to carry out such removal, demolition or reinstatement works within the period specified or as required in an emergency, the CE/MN, DSD may carry out such works as he may consider necessary and the applicant shall pay to the Government on demand the cost of such works;

- (ii) CE/MN, DSD and his duly authorized officers, contractors, his or their workmen (hereinafter collectively referred to as “the authorized persons”) with or without tools, equipment, machinery or motor vehicles shall have the right of unrestricted ingress, egress and regress at all times to, from and through the site for the purposes of laying, inspecting, repairing and maintaining drains, sewers, channels, drainage facilities and all other services running across, through or under the area of DR (the Utilities) which CE/MN, DSD may require or authorize. No object or material of whatsoever nature may obstruct access or cause excessive surcharge to the Utilities shall be placed within the DR area. Where in the opinion of CE/MN, DSD (whose opinion shall be final and binding on the Tenant), there are objects or material within the drainage reserve area which may obstruct access or cause excessive surcharge to the Utilities, CE/MN, DSD shall be entitled by notice in writing to call upon the Tenant, at his own expenses and in all respects to the satisfaction of the CE/MN, DSD, to demolish or remove such objects or material and to reinstate the area of DR. If the Tenant shall neglect or fail to comply with such notice within the period specified therein, or as required in an emergency, CE/MN, DSD may carry out such removal demolition and reinstatement works as he may consider necessary and the Tenant shall pay to the Government on demand the cost of such works; and
- (iii) save in respect of the reinstatement of any trench excavated in the exercise of the aforesaid rights and powers, CE/MN, DSD and the authorized persons shall have no liability in respect of any loss, damage, nuisance or disturbance whatsoever caused to or suffered by the Tenant arising out of or incidental to the exercise by the authorized persons of the right of unrestricted ingress, egress and regress and in laying, inspecting, repairing and maintaining the Utilities conferred under (d)(ii) above.; and

- (e) to note comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that:
- (i) if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
 - (ii) before any new building works (including open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of 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 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 accordance 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.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/577 Proposed 4 Houses (New Territories Exempted Houses - Small Houses) and Minor Relaxation on Building Height Restriction from one storey to three storeys and Plot Ratio from 0.64 to 1.37 in “Comprehensive Development Area (1)” Zone, Lots 208 S.A R.P., 208 S.A ss.2, 208 S.A ss.1 R.P. and 208 S.A. ss.1 S.A in D.D. 11, Fung Yuen, Tai Po
(RNTPC Paper No. A/TP/577)

166. The Secretary reported that Dr W.K. Yau had declared an interest in this item for being the Chairman of the Advisory Committee and the Management Committee of Fung Yuen Butterfly Reserve, which was located near the application sites. Members noted that Dr Yau had left the meeting already.

Presentation and Question Sessions

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

- (a) background to the application – the sites fell within a larger area zoned “Comprehensive Development Area (1)” (“CDA(1)”) which was the subject of five applications for comprehensive residential development and agricultural uses. According to the approved Master Layout Plan (MLP) of the latest application (No. A/TP/333), the comprehensive development in Fung Yuen consisted of the “Development Portion” and the “Agricultural Portion”. The site was located on the periphery of the

“Development Portion” and annotated as “private lot owned by others, existing agricultural” on the approved MLP and no specific use or development was proposed for the sites;

- (b) the proposed 4 houses (New Territories Exempted Houses (NTEH) - Small Houses) and minor relaxation on building height (BH) restriction from one storey to three storeys and plot ratio (PR) from 0.64 to 1.37;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application and advised that the proposed developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of four Small Houses, C for T considered that the application could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that there was no justification to relax the BH restrictions; the development was not in line within the planning intention of the “CDA(1)” zone; no impact assessment had been submitted; and there was no proper provision of roads and parking spaces. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was no general shortage of land within the “V” zone for Small House development. The applicants also failed to provide sufficient justifications in the submissions on why land within the “V” zone that had yet to be developed could not be made available for the

proposed developments.

168. In response to the Chairman's question on the use for the sites under the approved MLP of Application No. A/TP/333, Mr C.T. Lau, STP/STN, by referring to Plan A-5 of the Paper, said that the site was annotated as "private lot owned by others, existing agricultural" on the MLP and no specific use or development was proposed for the site.

169. In response to a Member's question on the zoning boundary of the "CDA(1)", Mr C.T. Lau showed the zoning boundary and said that the approved scheme shown on the MLP would be implemented by phases and the construction of Phase One of the approved scheme had commenced. The MLP proponent had applied to the Lands Department for a land exchange for the Phase One development. However, as the proponent could not acquire the application sites, the application sites had not been included in the land exchange boundary under Phase I development.

Deliberation Session

170. The Chairman noted that the boundary of the approved MLP was in line with the "CDA(1)" zoning boundary, however, the MLP proponent failed to acquire the application sites during the implementation stage, and a road had been built to separate the comprehensive residential development (i.e. Mont Vert) and the village development to the south. Moreover, the proposed Small Houses were considered not incompatible with the surrounding area and fell entirely within the village 'environs' ('VE') of Fung Yuen – Lau Hang and Kau Shi Wai. In view of the above, it was not understood why the Planning Department considered that the proposed developments would proliferate into the "CDA(1)" zone, which was recommended as a rejection reason.

171. Members noted that PlanD did not support the application mainly based on the reason that the proposed developments did not comply with the Interim Criteria in that there was no general shortage of land within the "V" zone for Small House development. While the site was located away from the village cluster, there was concern on the undesirable precedent set for similar applications as there were unacquired agricultural/vacant land scattered within the MLP boundary. There were also two similar applications (No. A/TP/462 and 463) which were rejected by the Committee in March 2014, mainly on the grounds that

the applications did not comply with the Interim Criteria.

172. A Member said that the proposed developments were not in line with the planning intention of the “CDA(1)” zone. To enable future consideration of similar applications, there might be a need to revise the “CDA(1)” zoning boundary to tally with the Mont Vert comprehensive development and release the unacquired areas.

173. Members also noted that according to the approved MLP, the comprehensive residential development would be developed in phases, i.e. CDA-Phase One and subsequent phase. The construction of Phase One was largely completed while there was no firm program for the subsequent phase to commence due to the land ownership problem. If the subsequent phase could not be implemented over a period of time, the “CDA(1)” zoning should be reviewed.

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

174. With regard to the query raised by a Member on whether the Notes of the “CDA(1)” zone or the Interim Criteria would take precedence in considering the application, Members noted that the “CDA(1)” zone was subject to a maximum PR of 0.64 and a maximum BH of one storey as stipulated on the Outline Zoning Plan. As such, the applicant was required to seek planning permission to relax the BH and PR restrictions to three storeys and 1.37 respectively to permit the proposed Small House developments. Besides, the application for Small House developments had to be assessed against the approved MLP and the Interim Criteria, as the proposed Small Houses fell outside the “V” zone. While the application met one of the major criteria, i.e. not less than 50% of the proposed Small Houses footprint fell within the ‘VE’ of a recognized village, it did not comply with the Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. The Committee had consistently followed the Interim Criteria in considering Small House applications.

175. As regard the Chairman’s question on a similar application No. A/TP/378, Members noted that applications No. A/TP/378 and 438 were approved with conditions by the Committee in 2006 and 2009 respectively as it was estimated that there was a general shortage of land within the “V” zone for Small House development at the time of

consideration.

176. Noting that similar applications (No. A/TP/340, 339, 378 and 438) located in the vicinity of the site were approved by the Committee, the Chairman said that apart from maintaining the consistency of the Committee's decision, the Committee needed to be fair in considering the subject application. However, there was insufficient information on the reasons why these applications were approved at that time. The Chairman suggested and Members agreed to defer a decision on the application pending the submission of further information on the approved similar applications by the Planning Department (PlanD).

177. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information by PlanD on the circumstances in approving the similar applications located in the vicinity of the site.

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

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 35

Section 16 Application

[Open Meeting]

A/KTN/9 Proposed Temporary Hobby Farm for a Period of 3 Years in
"Agriculture(1)" zone, Lots 1527 RP, 1528 and 1529 in D.D. 95, Ho
Sheung Heung, Kwu Tung North, Sheung Shui
(RNTPC Paper No. A/KTN/9)

178. The Secretary reported that on 12.1.2015, 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 the comments of the Agriculture, Fisheries and

Conservation Department and the Transport Department. This was the first time that the applicant requested for deferment.

179. 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 Kepler S.Y. Yuen and Mr Otto K.C. Chan, Senior Town Planners/Fanling, Sheung Shui & Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/456 Temporary Open Storage of Light Goods Vehicles for Sale for a Period of 3 Years in "Residential (Group D)" Zone, Lots 666 S.B (Part) and 667 (Part) in D.D. 110, Kam Tin Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/456)

Presentation and Question Sessions

180. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of light goods vehicles for sale for a period of

3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential dwellings located to the north of the application site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was considered generally in line with the TPB Guidelines. Although DEP did not support the application, there was no environmental complaint against the site over the past three years and approval conditions restricting the operation hours and types of vehicles as well as prohibiting workshop-related activity were recommended.

181. Members had no question on the application.

Deliberation Session

182. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (g) the submission of the record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.4.2015;
- (h) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2015;
- (i) the submission of fire services 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 16.7.2015;
- (j) in relation to (i) above, the provision of fire services installations within 9 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 16.10.2015;

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

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

- “ (a) prior planning permission should have been obtained before commencing the storage use at the site;
- (b) the site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. The site is accessible to Kam Tin Road via Government land (GL) and private land. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to LandsD to permit excessive/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;

- (d) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (e) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/NT West, Highways Department that if the proposed run-in is agreed by TD, the applicant should construct a run-in/out at the access point at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage sites

in Appendix V of the Paper should be adhered to;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the Buildings Department (BD) (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the subject 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 BD 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 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; and

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans and overhead line alignment drawings to find out whether there is any underground cable and/or overhead line within or in the vicinity of the application 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 application site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/457 Proposed Eating Place in “Residential (Group B)” Zone, Shop No.1, Commercial Accommodation of RIVA, Lot 2099 in D.D. 109, 1 Ying Ho Road, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/457)

184. The Secretary reported that the application was submitted by Ease Gold Development Ltd., which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). The following Members had declared interests in this item :

- | | | |
|---------------------|---|---|
| Mr Ivan C.S. Fu | - | having current business dealings with SHK |
| Ms Janice W.M. Lai | - | having current business dealings with SHK |
| Ms Christina M. Lee | - | being the Secretary – General of the Hong Kong Metropolitan Sports Events Association (HKMSEA) that had obtained sponsorship from SHK |
| Dr Eugene K.K. Chan | - | being the Convenor of HKMSEA that had obtained sponsorship from SHK |

185. Members noted that Ms Lee and Dr Chan had tendered apologies for being unable to attend the meeting. Members also noted that Mr Fu and Ms Lai had left the meeting already.

Presentation and Question Sessions

186. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

187. Members had no question on the application.

Deliberation Session

188. 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 16.1.2019, 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 :

- “ the design and provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

189. 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) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD’s standards;
- (b) 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;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the proposed use under application is subject to the issue of a licence, the applicant is required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (d) to note the comments of the Director of Food and Environmental Hygiene that the applicant is reminded to apply relevant food licence/permit from his department should any food business be conducted inside the establishment; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor(s) shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/651 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 1873 RP (Part) in D.D. 106, and Adjoining Government Land, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/651A)

Presentation and Question Sessions

190. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public

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

[Mr Martin W.C. Kwan left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

191. Members had no question on the application.

Deliberation Session

192. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;
- (d) in relation to (c) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2015;

- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2015;
- (f) in relation to (e) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.10.2015;
- (g) the submission of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (h) in relation to (g) above, the implementation of the landscaping proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.10.2015;
- (i) if any of the above planning conditions (a) or (b) is not complied with during planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (k) 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.”

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

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

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

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under the Block Government Lease under which no structure is allowed to be erected without prior approval of his office. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Kam Sheung Road via GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Further, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation for the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that the site is connected to the public road via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (e) to note the comments of the Chief Highway Engineer/NT West, Highways Department (HyD) that the applicant should be responsible for the

construction of run-in at his own cost to the satisfaction of relevant government departments. The run-in should be constructed across the full width of the footpath of Kam Sheung Road in accordance with HyD's standard drawings. Excavation Permit should be obtained from his office prior to commencement of excavation works on public road/footpath which are maintained by HyD;

- (f) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt necessary measures to avoid impacts on the existing trees during operation since there are some mature trees within and along the boundary of the site;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the gradients and the dimension of the proposed

u-channels should be shown on the drainage plan. The relevant connection details between the discharging pipe and the existing 400m village drain should be provided. Where the village drain is a local village drain, the District Officer (Yuen Long), Home Affairs Department should be consulted. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catch pit. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area, etc. The applicant should consult DLO/YL, LandsD and seek consent from relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any use under application. Before any new building works (including store rooms, kitchens, offices, toilets and open sheds as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning

approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. 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 B(P)R respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/708 Temporary Shop and Services for a Period of 3 Years in “Village Type Development” Zone, Lot 2926 (Part) in D.D.111 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/708)

Presentation and Question Sessions

194. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a group of local residents and a representative of the residents objecting to the application mainly on the grounds that the warehouse use would adversely affect the *fung shui*, traffic, environment and hygiene. No local objection/view was received by the District Officer (Yuen Long); and

[Mr Edwin W.K. Chan left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. The applied use

was considered not incompatible with the surrounding land uses and all concerned departments had no adverse comment on or no objection to the application. Regarding the public comments, the applied use was for temporary 'shop and services' use and the scale of operation was relatively small. To minimize the possible environmental nuisance generated by the development, approval conditions restricting the operation hours and types of vehicles used, as proposed by the applicant, were recommended.

[Mr Martin W.C. Kwan returned to join the meeting at this point.]

195. Members had no question on the application.

Deliberation Session

196. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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 10:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (d) in relation to (c) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.10.2015;

- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;
- (f) in relation to (e) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2015;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.7.2015;
- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 16.10.2015;
- (i) 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;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (k) 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.”

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

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

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/North, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lot 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 is given for the occupation of Government land (GL) (about 151m² subject to clarification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible from Kam Tin Road via GL and private lots. LandsD does not provide maintenance works for the GL nor guarantee right-of-way. The lot owner concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department the applicant should provide a tree preservation proposal for the mature *Ficus microcarpa*;
- (e) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (f) to note the comments of the Director of Fire Services that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for any existing structures at the site. The applicant should observe that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under 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 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 BO. In this connection, 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. 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; and

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

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/709 Renewal of Planning Approval for Temporary Open Storage of Porcelain Products/Sanitary Utensils for a Period of 3 Years in “Agriculture” Zone, Lots 20 (Part), 21, 22 (Part), 23 (Part), 24(Part), 25 (Part), 27 S.A (Part), 42 (Part) and 43 (Part) in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/709)

Presentation and Question Sessions

198. Mr Kepler S.Y. Yuen, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of porcelain products/sanitary utensils under application No. A/YL-PH/632 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and

[Professor K.C. Chau left the meeting temporarily at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 3 areas under the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E and the TPB PG-No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. Although DEP did not support the application, there was no record of environmental complaint for the site in the past three years and approval conditions restricting the operation hours and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop

activities were recommended in order to address DEP's concern.

199. Members had no question on the application.

Deliberation Session

200. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.1.2015 to 20.1.2018, on the terms of the application as submitted to the TPB and subject to the following conditions :

- “ (a) no operation between 6:00 p.m. and 7:00 a.m. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) the drainage facilities implemented on the site under Application No. A/YL-PH/632 shall be maintained at all times during the planning approval period;
- (e) the existing trees and landscape planting on the site shall be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage 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 20.7.2015;

- (g) 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 3.3.2015;
- (h) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.7.2015;
- (i) in relation to (h) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.10.2015;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) 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
- (l) 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.”

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

- “ (a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) the site should be kept in a clean and tidy condition at all time;
- (c) to 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 structure is allowed to be erected without prior approval of the Government. The site is accessible to Fan Kam Road via Government land (GL). His office does not provide maintenance works for the GL involved nor guarantee right of way. The lots owner(s) concerned and the Short Term Tenancy tenant will need to apply to his office to permit any additional/excessive structures (if any) 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(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are two semi-natural stream sections immediately adjacent to the western and north-eastern site boundary. The applicant should adopt appropriate measures to avoid disturbing the stream and its

embankments, and prevent polluting the stream during site operation;

- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage in Appendix V of the Paper should be adhered to. To address the approval condition on provision of fire extinguishers, the applicant should submit a valid fire certificate (FS251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (h) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerline of the water mains shall be provided to WSD. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any drainage whatsoever and howsoever caused arising from burst and leakage of the public water mains within and in close vicinity of the site;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including 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 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 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 works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor(s) shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards

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

Agenda Item 41

Section 16 Application

[Open Meeting]

A/YL-ST/457

Temporary Open Storage of Construction Materials and Equipments with Ancillary offices for a Period of 3 Years in “Residential (Group D)” Zone, Lots 170 RP and 174 S.C RP in D.D.105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/457)

202. The Secretary reported that on 30.12.2014, 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.

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

would be granted unless under very special circumstances.

Agenda Items 42 to 46

Section 16A Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/174-2 Proposed Class B Amendments to the Approved Application for House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 3983 S.C in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/174-2, 176-2 and 177-2)

A/FSS/176-2 Proposed Class B Amendments to the Approved Application for House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 3983 S.E in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/174-2, 176-2 and 177-2)

A/FSS/177-2 Proposed Class B Amendments to the Approved Application for House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 3983 S.F in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/174-2, 176-2 and 177-2)

A/FSS/202-1 Proposed Class B Amendments to the Approved Application for House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 3983 S.H in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/202-1 and 203-1)

A/FSS/203-1 Proposed Class B Amendments to the Approved Application for House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 3983 S.I in D.D. 51, Wo Hop Shek Village, Fanling
(RNTPC Paper No. A/FSS/202-1 and 203-1)

204. The Committee noted that the five applications were similar in nature and

presented in two papers, and the sites were located in close proximity to one another and within the same “Green Belt” zone. The Committee agreed that the applications should be considered together.

[Professor K.C. Chau returned to join the meeting at this point.]

Presentation and Question Sessions

205. Mr Otto K.C. Chan, STP/FSYLE, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications for the proposed Class B amendments to the approved scheme under Applications No. A/FSS/174, A/FSS/176, A/FSS/177, A/FSS/202 and A/FSS/203;
- (b) for Applications No. A/FSS/174, A/FSS/176 and A/FSS/177, the proposed Class B amendments to the approved applications, for extension of time for commencement of approved developments for 1 more year until 1.2.2016 for each of the applications. For Applications No. A/FSS/202 and A/FSS/203, the proposed Class B amendments to the approved applications, for extension of time for commencement of approved developments for 3 more year until 28.1.2018 for each of the applications;
- (c) departmental comments – departmental comments were set out in paragraph 7 of the Papers. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) the District Officer (North) conveyed that one of the three Indigenous Inhabitant Representatives (IIRs) of Wo Hop Shek Village objected to the cross-village Small House applications while the Chairman of Fanling District Rural Committee, the other two IIRs and the Resident Representative of Wo Hop Shek Village had no comment;

(For Applications No. A/FSS/174, A/FSS/176 and A/FSS/177)

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications for a period of 1 year until 1.2.2016 based on the assessments made in paragraph 8 of the Paper. The planning parameters of the current applications were essentially the same as the original approved schemes. There had been no material changes in planning circumstances since the previous approvals were granted and no significant change in land use of the planning areas. Since an extension of time for commencement of development had already been granted once for 3 years, it was considered acceptable to grant a further extension of time for commencement for an additional 1 year. Moreover, the District Lands Officer/North, Lands Department was still processing the Small House Grant applications, it was considered reasonable to allow more time to commence the approved development proposals; and

(For Applications No. A/FSS/202 and A/FSS/203)

- (f) PlanD's views – PlanD had no objection to the applications for a period of 3 years until 28.1.2018 based on the assessments made in paragraph 8 of the Paper. The planning parameters of the current applications were essentially the same as the original approved schemes. There had been no material change in planning circumstances since the previous approvals were granted and no significant change in land use of the planning areas. Moreover, the District Lands Officer/North, Lands Department was still processing the Small House Grant applications, it was considered reasonable to allow more time to commence the approved development proposals.

206. Members had no question on the application.

Deliberation Session

(For Applications No. A/FSS/174, A/FSS/176 and A/FSS/177)

207. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 1.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced. Each of the permissions was subject to the following conditions :

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

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

- “ (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the application site is located within flood pumping gathering ground associated with River Indus and River Ganges pumping station. For provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the insider service within the private lots to WSD’s standards. Watermains in the vicinity of the application site

cannot provide the standard firefighting flow; and

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

(For Applications No. A/FSS/202 and A/FSS/203)

209. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 1.2.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each of the permissions was subject to the following conditions :

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

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

- “ (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD)’s that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the insider service within the private lots to WSD’s standards. The application site is located within flood pumping gathering ground associated with River Indus and River Ganges pumping station;
- (c) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (d) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, you should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

[The Chairman thanked Mr Kepler S.Y. Yuen and Mr Otto K.C. Chan, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/405 Columbarium in “Green Belt” Zone, G/F and 1/F, Lot No. 559 in D.D. 131 within Tsing Wan Kun, Tuen Mun
(RNTPC Paper No. A/TM/405E)

211. The Secretary reported that TMA Planning and Design Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with the consultant. Members noted that Mr Fu had left the meeting already.

[Mr Edwin W.K. Chan returned to join the meeting at this point.]

212. The Secretary reported that on 15.1.2015, after issuing the Paper, the applicant wrote to the Town Planning Board (TPB) requesting for a deferral of consideration of the application for 2 months. The letter from the application was tabled at the meeting for Members’ consideration. The applicant stated that since the comments from government departments were provided to them on 13.1.2015 and the submission of the application for the Committee’s consideration had been unnecessarily prolonged due to a pertinent legal issue, sufficient time was required to update/resubmit further information/assessments.

213. The Secretary said that for background information, the application was received by the Board in September 2010. The application had been deferred three times at the request of the applicant pending his submission of further information. On 2.9.2011, the Committee decided to defer a decision on the application as requested by the Planning

Department (PlanD) to allow time for seeking legal advice on a public comment regarding the authority of the managers (Messrs. To Kam Chow, To Kan Chi, while To Fuk Tim is deceased) in representing the T'ong Tsing Wan Kun (the applicant) which was being challenged at court. The Department of Justice (DoJ) considered that it would be prudent for the Committee to adjourn consideration of the application pending the outcome of the outstanding court proceedings. Upon PlanD's enquiry in February 2014, it was noted that the court proceedings had yet to be tried. Considering that a substantial period has gone by since the last deferment of the consideration of the application and the long period of inaction relating to the court proceedings, DoJ advised that it would be reasonable to resume the consideration of the application by the Committee. The application was thus reactivated and the applicant was informed in September 2014 that the application would be tentatively scheduled to be considered by the Committee on 26.9.2014. On 16.9.2014, the Committee agreed to defer making a decision on the application for two months as requested by the applicant in order to address the comments from government departments, particularly on the comments from the Transport Department which required a completely updated Traffic Impact Assessment (TIA). In November 2014, the applicant submitted further information, including a revised TIA, and the application is scheduled for consideration at this meeting. Members were invited to consider whether or not to accede to the applicant's request for deferment. Should the Committee consider that a deferment was not warranted, it might proceed with the consideration as planned.

214. Members had no question on the application.

Deliberation Session

215. The Chairman said that the application was deferred upon PlanD's request in September 2011 and was reactivated in September 2014. After the reactivation of the application, the application had been deferred once at the request of the applicant in September 2014. As such, this was the applicant's second request for deferment after the reactivation. In response to the Chairman's question, the Secretary said that, as indicated in the application form, the applicant claimed that he was the current land owner of the application and there were public comments received during the exhibition of the application.

216. The Chairman said that the Committee would usually agree to the request for

deferment for the second time if good reasons were given. However, Members should consider whether it should be counted from the reactivation of the application.

217. The Vice-chairman said that it was reasonable to take the reactivation of the application by PlanD as a starting point for considering the deferment request. In response to the Vice-chairman's question on the date of the departmental comments received by the applicant, Miss Jessica Y.C. Ho, STP/TMYLW, said that as requested by the applicant, departmental comments received had been forwarded to the applicant on 13.1.2015, in order to let the applicant respond to the departmental comments.

218. The Vice-chairman had no objection to the request for deferment of the consideration of the application in order to allow time for the applicant to respond to the departmental comments. Another Member concurred and said that traffic impact would be one of the factors in considering the application.

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

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Agenda Item 48

Section 16 Application

[Open Meeting]

A/TM/464 Proposed Office cum Shop and Services/Private Club/Eating Place in
“Industrial” Zone, No. 1 San Hop Lane, Castle Peak Town Lot 23
(Part), Tuen Mun
(RNTPC Paper No. A/TM/464B)

220. The Secretary reported that Environ Hong Kong Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with the consultant. Members noted that Mr Fu had left the meeting already.

221. The Secretary reported that on 7.1.2015, the applicants had requested for deferment of the consideration of the application for two months in order to allow time to address the comments of the Commissioner for Transport (C for T). This was the third request for deferment. During the deferment period, the applicants had demonstrated efforts in submitting further information to address departmental comments. C for T had also provided further comments on the revised Transport Impact Assessment submitted by the applicants. More time was required by the applicants to prepare further information to address C for T’s comments.

222. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants 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 applicants 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 applicants that two months were allowed for preparation of the submission of the further information, and since this was the third deferment and a total of six months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 49

Section 16 Application

[Open Meeting]

A/TM/465 Proposed Columbarium in “Government, Institution or Community”
Zone, G/F, Lot 1197 (Part) in D.D. 131, Tuen Mun
(RNTPC Paper No. A/TM/465A)

223. The Secretary reported that on 6.1.2015, 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 District Lands Officer/Tuen Mun and the Commissioner of Police. This was the applicant’s second request for deferment.

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

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/466 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” Zone, Lots 387 S.C ss.3 RP (Part) and 387 S.C RP (Part) in D.D.122, Sheung Cheung Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/466)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park for private cars and light goods vehicles under application No. A/YL-PS/363 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 publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The proposed renewal application complied 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). All concerned departments had no adverse comment on or no objection to the application.

226. Members had no question on the application.

Deliberation Session

227. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 21.1.2015 to 20.1.2018, 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) only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;

- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the maintenance of existing drainage facilities at all times during the planning approval period;
- (h) the maintenance of existing trees on the site at all times during the planning approval period;
- (i) the submission of record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.4.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.7.2015;
- (k) in relation to (j) above, the implementation of the fire service installations proposal 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 21.10.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

- “ (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to 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 Tsui Sing Road via Government land (GL) and other private lots. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. The lot owners concerned will need to apply to his office to permit 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(s) 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;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in 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 Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be
- ”

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

- (d) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (e) to note the comments of the Assistant Commissioner for Transport/New Territories, Transport Department that sufficient manoeuvring spaces shall be provided within the site;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and

- (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 within or in the vicinity of the site. 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 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."

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/467 Temporary Public Vehicle Park (Private Cars) and Ancillary Storeroom for a Period of 3 Years in "Residential (Group B) 1" Zone, Lots 137 and 138 RP (Part) in D.D.121, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/467)

Presentation and Question Sessions

229. Mr K.C. Kan, STP/TMYLW, drew Members' attention to a typo error in line 1 of paragraph 11.5 of the Paper, which should read "5 similar applications". He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary public vehicle park (private cars) and ancillary storeroom for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

230. Members had no question on the application.

Deliberation Session

231. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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) only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
 - (c) a notice should be posted at a prominent location of the site to indicate that only private cars as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;

- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the maintenance of existing drainage facilities at all times during the planning approval period;
- (h) the maintenance of existing trees on the site at all times during the planning approval period;
- (i) the submission of record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.4.2015;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2015;
- (k) in relation to (j) above, the implementation of fire service installations proposal with 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;
- (l) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.4.2015;

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

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

- “
- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
 - (b) to 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 (BO). The applicant should obtain the Building Authority (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;
 - (c) to 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 through an informal village track on Government land (GL) extended from Ping Kwai Road

and Ping Pak Lane and other private land. His office provides no maintenance work for the track and does not guarantee right-of-way. The lot owner(s) concerned 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 of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is/are approved, it will be subject to such terms and conditions, including among others the payment of premium(s) or fee(s), as may be imposed by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by 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 application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of 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 building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the Transport Department’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Ping Pak Lane;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Director of Food and Environmental Hygiene that the works shall not cause any environmental nuisance to the

surrounding; and

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

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/931 Temporary Shop and Services (Real Estate Agency and Interior Design Sample Showroom) for a Period of 3 Years in "Village Type Development" Zone, Lots 1743 S.G (Part), 1743 S.H (Part) and 1743 S.I (Part) in D.D. 125, San Uk Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/931)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the temporary shop and services (real estate agency and interior design sample showroom) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from 12 residents of San Uk Tsuen objecting to the application mainly on the grounds that the applied use was not compatible with the surrounding environment; the site was currently being used for the applied use and the plumber training use without valid planning permission; and it would attract a lot of outsiders, cause fire risk and adverse impacts on drainage, landscape, noise, traffic, environment and law and order of the villages and surrounding areas. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. All concerned departments had no adverse comment on or no objection to the application. Regarding the public comments on the existing use, the applicant clarified that the existing use of the plumber training course would be terminated. Approval conditions were recommended to mitigate any potential environmental, traffic, drainage and landscape impacts and fire hazard.

234. Members had no question on the application.

Deliberation Session

235. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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 9:00 a.m, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the implementation of the proposed drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TTPB by 16.10.2015;
- (c) in relation to (b) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (e) in relation to (d) above, the implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.10.2015;
- (f) 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 16.7.2015;
- (g) in relation to (f) 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 16.10.2015;
- (h) if any of the above planning conditions (a), or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (d), (e), (f) and (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;

and

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

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

- “ (a) planning permission should have been obtained before continuing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land within 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 prior approval from the Government. The site is accessible to Tin Ha Road via other private lots and Government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. 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;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any

works to be carried out outside his lot boundary before commencement of the drainage works;

- (e) to note the comments of the Director of Environmental Protection that the applicant is required to comply with the Water Pollution Control Ordinance and apply for a discharge licence from her Regional Office should there be any effluent discharge from the site. The project proponent is reminded to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimize any potential environmental nuisance.
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Tin Ha Road;
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The 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; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of 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 application 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 BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/932 Temporary Logistics Centre with Ancillary Open Storage of Recyclable Materials for a Period of 3 Years in “Recreation” Zone, Lots 468 S.A (Part), 468 S.B (Part), 469 (Part), 470, 471, 472 (Part), 473, 474, 475 S.A (Part), 475 S.C (Part), 476 (Part), 477 S.A (Part), 477 S.B (Part), 477 S.C (Part), 479 (Part), 481 (Part), 482 S.A, 482 S.B, 483, 484, 485 S.A (Part), 485 S.B ss.1, 485 S.B ss.2 (Part), 486, 487 (Part), 488 (Part), 489 (Part) and 494 (Part) in D.D.125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/932)

237. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this

item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary logistics centre with ancillary open storage of recyclable materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site and along Ha Tsuen Road and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was considered generally in line with the TPB Guidelines. Although DEP did not support the application, there was no environmental complaint against the site over the past three years and approval conditions restricting the operation hours and activity on site were recommended.

239. Members had no question on the application.

Deliberation Session

240. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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. 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) no cutting, dismantling, cleaning, repairing, compacting, 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 left turn of all vehicles into Ha Tsuen Road, as proposed by the applicant, upon leaving the site at any time during the planning approval period;
- (e) the erection and maintenance of a ‘Turn Right’ traffic sign at the junction of the access road with Ha Tsuen Road at all times during the planning approval period to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (g) the existing fencing on site shall be maintained at all times during the planning approval period;

- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;
- (i) in relation to (h) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.10.2015;
- (j) the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (k) 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 16.7.2015;
- (l) in relation to (k) 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 16.10.2015;
- (m) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks to the satisfaction of the Director of Fire Services or of the TPB by 27.2.2015;
- (n) 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 16.7.2015;
- (o) in relation to (n) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (j) is

not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (q) if any of the above planning conditions (h), (i), (k), (l), (m), (n) or (o) 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
- (r) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under 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 prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) included into the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Ha Tsuen Road through GL and private land. His office provides no maintenance work for the GL involved and does not guarantee right-of-way. The lot owner would 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 a formal approval prior to the

actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. 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) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent area. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owner(s) for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site. The local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same local track should be clarified with relevant lands and maintenance authorities;
- (g) to note the comments of the Chief Highways 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 maintenance of any access connecting the site and Ha Tsuen Road;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there were 11 dead trees, 2 missing

trees and 2 undersized trees (approx. 2.5m) among the 148 trees recorded in his previous site inspection for application No. A/YL-HT/743. In addition, some trees are located under the canopy without adequate headroom and close to the exhausted fans of the nearby temporary structure. Replacement of these trees and adjustment of the structure/canopy/exhaust fans are required. Besides, debris or objects were dumped onto the existing trees. Moreover, the new hoarding along trees at the northeastern boundary blocked the access for tree inspection. Based on the above, the applicant is required to submit a revised tree preservation and landscape plan and provide safe access for site inspection;

- (i) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the Paper;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (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 UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. If the proposed use under application is subject to the issue of a license, any existing structures on the sites intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. In connection with the above, each site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Agriculture, Fisheries and Conservation that the existing hoarding and landscape planting along the site boundary should be properly maintained and the applicant should ensure that the development would not encroach on the nearby vegetated area and affect the stream to the north of the site.”

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/342 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lot 1666 S.N in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/342)

Presentation and Question Sessions

242. Ms Bonita K.K. Ho, STP/TMYLW, said that three replacement pages of pages 9 to 11 of the Paper to include an additional approval condition (b) had been sent to Members before the meeting. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the same commenter objecting to the application mainly on the grounds that the proposed development would generate additional traffic and would adversely affect the quiet living environment and worsen public security. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. All concerned departments had no adverse comment on or no objection to the application. Regarding the public comments, it should be noted that neither vehicular access nor parking spaces were proposed for the real estate agency. In order to minimize any possible nuisance generated by the proposed development, an approval condition restricting the operation hours of the proposed development, as proposed by the applicant, was recommended.

243. Members had no question on the application.

Deliberation Session

244. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, 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 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (c) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (d) the submission of revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;
- (e) in relation to (d) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2015;
- (f) in relation to (e) above, the maintenance of the implemented drainage facilities on the site at all times during the planning approval period;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2015;
- (h) in relation to (g) above, the implementation of fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;

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

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

- “ (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises an Old Schedule Agricultural Lot held under Block Government Lease under which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. The lot owner concerned needs to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that standard details should be provided in the drainage proposal to indicate the sectional details of the proposed u-channel and the catchpit. The connection details between the discharging pipe and the existing 500mm surface channel should be provided for comment. In the case that it is a local village drain, the District Officer (Yuen Long), Home Affairs Department should be consulted. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (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. The applicant should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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 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). 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. 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 4.5 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

- (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 (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 relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines 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 contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractor(s) when carrying out works in the vicinity of

the electricity supply lines.”

Agenda Item 55

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/343 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 4891 RP (Part), 4892 S.A, 4892 RP (Part) and 4893 (Part) in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/343)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments set out in paragraph 11 of the Paper. All concerned

departments had no adverse comment on or no objection to the application. However, the site was the subject of a previous application (No. A/YL-TT/301) submitted by the same applicant for the same applied use and the permission was revoked in July 2014 due to non-compliance with approval conditions. In the current application, the applicant demonstrated sincerity to comply with the approval conditions by submitting relevant proposals. In view of the applicant's effort, it was recommended that shorter compliance periods be imposed on the approval conditions to facilitate close monitoring of the compliance progress.

247. Members had no question on the application.

Deliberation Session

248. After deliberation, the Committee decided to approve the application, on a temporary basis for a period of 3 years until 16.1.2018, 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 10:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no open storage activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle parking, queuing and reverse manoeuvring are allowed on public road and at the vehicular access at any time during the planning approval period;
- (d) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.4.2015;
- (e) the submission of parking arrangement proposal within 3 months from the

date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.4.2015;

- (f) in relation to (e) above, the implementation of parking arrangement proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 16.7.2015;
- (g) the submission of run-in/out proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.4.2015;
- (h) in relation to (g) above, the provision of run-in/out within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.7.2015;
- (i) the submission of a revised 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 16.4.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;
- (k) in relation to (j) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (l) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.4.2015;
- (m) in relation to (l) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 16.7.2015;

- (n) the implementation of accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.4.2015;
- (o) if any of the above planning conditions (a), (b), (c) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) the planning permission is given to the development/uses under application. It does not condone any other development/uses (including open storage of vehicles) which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) shorter compliance periods are imposed in order to monitor the progress of

compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;

- (d) to 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 (BO). The applicant should obtain the Building Authority (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;

- (e) to 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. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The lot owners will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, access to the site is open to Tai Tong Road via a short stretch of GL. His Office does not provide maintenance works for such GL nor guarantee any right-of-way to the site;

- (f) to note the comments of the Commissioner for Transport that with reference to the submitted layout of the car parking spaces, it appears that the width of the internal driveway will be less than 6m. The applicant is required to review the parking arrangement and the internal driveway. Sufficient space should be provided within the site for manoeuvring of vehicles. Also, adequate demarcation should be provided to delineate the car parking spaces so that vehicle parking within the site can be better controlled;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run in/out at the access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Tai Tong Road;

- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;

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

- (j) to note the comments of the Chief Building Surveyor/New Territories

West, Buildings Department (BD) that there is no record of approval by BA for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of 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 BO. 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 works or UBW on the site under BO; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures : (i) 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 (ii) the applicant and his contractor(s) shall observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 56

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/344 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 4891 RP (Part), 4892 RP (Part), 4893 (Part) and 4894 in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/344)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view and commented that based on the aerial photos taken in 2009 and 2011, noticeable disturbance to the existing landscape resources had been caused before the application. Moreover, despite several approvals of extension of time for compliance with planning conditions under the previous applications, the landscape proposals were still not satisfactory. There was no relevant landscape proposal submitted in support of the current application. The applicant’s commitment to mitigate the landscape impact was in doubt;
- (d) during the first three weeks of the statutory publication period, three public comments were received from local residents objecting to the application

mainly on the grounds that the development would generate environmental, hygiene, visual and/or sewerage/drainage impacts, noise nuisance and/or worsen public security. There were also concerns on pedestrian safety and the illegal occupation of Government land. Besides, the site had been used for storage of vehicles for sale and vehicle repairing instead of the real estate agency under application and doubted whether there was a pressing demand for the applied use. No local objection/view 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 11 of the Paper and highlighted below :
- (i) the site was the subject of two previous applications (No. A/YL-TT/289 and 302) submitted by the same applicant for the same applied use. However, both permissions were revoked in 2012 and 2013 respectively due to non-compliance with the approval conditions. The last application (No. A/YL-TT/327) for the same use also submitted by the same applicant was rejected by the Town Planning Board (TPB) on review in October 2014 mainly for the applicant's failure to demonstrate no adverse traffic, landscape and drainage impacts on the surrounding area and that approval of the application with repeated non-compliances with approval conditions would set an undesirable precedent for other similar applications, thus nullifying the statutory planning control mechanism;
 - (ii) CTP/UD&L, PlanD had reservation on the application in view of the previous non-compliances with approval conditions on the landscaping aspect. The Commissioner for Transport and the Chief Engineer/Mainland North, Drainage Services Department also requested the applicant to submit a parking arrangement proposal and a drainage proposal respectively. However, no proposal was submitted by the applicant. The applicant failed to demonstrate that the requirements of relevant departments would be satisfactorily complied with and that the development would not cause adverse

traffic, landscape and drainage impacts on the surrounding areas; and

- (iii) it was doubtful as to whether the negative impacts of the development and the concerns of relevant government departments could be effectively addressed by imposition of approval conditions. It was considered that further approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

251. Members had no question on the application.

Deliberation Session

252. In response to the Vice-chairman's question on the possibility to approve the application in future, the Chairman said that the applicant had to demonstrate genuine efforts in addressing departmental comments and include in the application relevant technical assessments/proposals, if required, to demonstrate that the proposed use would not generate adverse impacts on the surrounding areas.

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

- “ (a) the applicant fails to demonstrate that the development would not cause adverse traffic, landscape and drainage impacts on the surrounding area; and
- (b) previous planning permissions granted to the applicant under Applications No. A/YL-TT/289 and 302 were revoked due to non-compliance of the approval conditions. Approval of the application with repeated non-compliances with approval conditions would set an undesirable

precedent for other similar applications, thus nullifying the statutory planning control mechanism.”

Agenda Item 57

Section 16 Application

[Open Meeting]

A/YL-TYST/706 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Undetermined” Zone, Lot 2849 RP in D.D. 120, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/706)

254. The Secretary reported that on 30.12.2014, 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 the comments of the Chief Engineer/Mainland North, Drainage Services Department. This was the first time that the applicant requested for deferment.

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

Agenda Item 58

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/707 Proposed Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lots 1167 S.A RP and 1172 in D.D.119 and Adjoining Government Land, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/707)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of construction material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the public raising no objection to the application without giving reason. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP

did not support the application, there was no environmental complaint against the site over the past three years and the development was mainly for storage purpose within enclosed warehouse structures. It was not expected that the development would generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours and the type of vehicles used, prohibiting the carrying out of workshop activities within the site, and requiring the provision of boundary fence, as proposed by the applicant, were recommended.

257. Members had no question on the application.

Deliberation Session

258. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.1.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 7:00 p.m. and 7:00 a.m. 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) no dismantling, repairing, spraying, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;

- (e) no parking, queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the provision of boundary fencing on the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.4.2015;
- (g) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.7.2015;
- (h) in relation to (g) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.10.2015;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.7.2015;
- (j) in relation to (i) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 16.10.2015;
- (k) in relation to (j) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (l) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.7.2015;
- (m) in relation to (l) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 16.10.2015;

- (n) the submission of tree monitoring report every 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB;
- (o) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.7.2014;
- (p) in relation to (o) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.10.2015;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (k) or (n) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (f), (g), (h), (i), (j), (l), (m), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) to 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 (BO). The applicant should obtain the Building Authority

(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;

- (b) to note the comments of the District Lands Officer, Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agriculture lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government's prior approval should not be encouraged. The lot owner(s) concerned will need to apply to his office to permit any structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL. 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 abutting to Kung Um Road via GL. His office does not provide maintenance works for such track nor guarantee right-of-way;
- (c) to note the comments of the Commissioner for Transport that that the land status of the access road/path/track leading to the site from Kung Um Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles;
- (d) to note the comments of the Chief Highway Engineer/New Territories

West, Highways Department that the run-in/out at Kung Um Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal that (i) the invert levels of the proposed catchpits should be shown on the drainage plan for reference; (ii) the existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The associated connection details should be provided for comment; (iii) cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given; (iv) standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit; (v) sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities; (vi) the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.; and (vii) the applicant should consult DLO/YL of LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before the commencement of the drainage works;
- (g) to note the comments of the Director of Fire Services that in consideration

of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers and storage 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 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 site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, 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, 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 contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

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

Agenda Item 59

Any Other Business

260. There being no other business, the meeting closed at 8:00 p.m..