

TOWN PLANNING BOARD

Minutes of 528th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 27.2.2015

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

Mr David Y.T. Lui

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 Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

In Attendance

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

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

Agenda Item 1

Confirmation of the Draft Minutes of the 527th RNTPC Meeting held on 6.2.2015

[Open Meeting]

1. The draft minutes of the 527th RNTPC meeting held on 6.2.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

Amendment to Confirmed Minutes of 518th RNTPC meeting held on 12.9.2014

2. The Secretary reported that, on 12.9.2014, the Committee decided to approve a section 16 application No. A/YL-PH/692 for temporary open storage (building materials and vehicles) for a period of 3 years in “Residential (Group D)” zone in Pat Heung, Yuen Long. The minutes were confirmed at the meeting on 26.9.2014 and sent to the applicant together with the approval letter on the same date.

3. Subsequently, an editorial error was found in the approval conditions (i) and (j) (paragraph 97 of the minutes). To rectify the error, the relevant parts of the minutes should be revised to read as:

“(i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of ***Planning Drainage Services*** or of the TPB by 12.3.2015;

(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 ***Planning Drainage Services*** or of the TPB by 12.6.2015;”

4. The replacement page was sent to Members on 25.2.2015. The revised minutes and approval letter would be sent to the applicant after the meeting. Members agreed.

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

Sai Kung and Islands District

[Mrs Alice K.F. Mak and Mr Richard Y.L. Siu, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/I-CC/4 Application for Amendment to the Draft Cheung Chau Outline Zoning Plan No. S/I-CC/6, to rezone the application site from “Green Belt” to “Residential (Group C) 9”, Lot No. 26 R.P. (Part) in D.D. Cheung Chau, Cheung Chau
(RNTPC Paper No. Y/I-CC/4)

5. The Secretary reported that on 4.2.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow sufficient time to address comments from various government departments. This was the applicant’s first request for deferment.

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

[Professor K.C. Chau and Mr Edwin W.K. Chan arrived to join the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/212 Temporary Shop and Services (Retail Shop, Car Washing and Waxing Service) with Ancillary Office for a Period of 3 Years in “Recreation” zone, Lot No. 579RP in D.D. 217, Tai Chung Hau Road Track, Sai Kung
(RNTPC Paper No. A/SK-PK/212C)

7. The Secretary reported that a replacement page of the Paper of this application was tabled at the meeting to update advisory clause (a) as per the District Land Officer/Sai Kung’s request.

Presentation and Question Sessions

8. With 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 temporary shop and services (retail shop, car washing and waxing service) with ancillary office for a period of 3 years;

[Mr K.F. Tang arrived to join the meeting and Mr K.C. Siu left the meeting temporarily 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, 11 public comments were received from the Sai Kung Tai Chung Hau Mutual Aid Committee (the MAC), Designing Hong Kong Limited and members of the public, which objected to the application mainly on the grounds of noise, air and water pollution and adverse traffic impacts that might be generated by the proposal. A meeting between the applicant and the MAC was held on 28.10.2014. After thorough discussion and clarifications made by the applicant at the meeting, the MAC accepted the mitigation measures proposed by the applicant and had no objection to the application.

- (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. Regarding the public comments, the Commission for Transport and the Director of Environmental Protection (DEP) had no objection to or no adverse comment on the application and relevant approval conditions were recommended.

[Mr K.C. Siu returned to join the meeting at this point.]

9. The Chairman said that there were local concerns on the arrangement of sewerage treatment and asked for information on the sewerage treatment system. In response, Mrs Alice K.F. Mak, STP/SKIs, said that the applicant would adopt a bionic system from Holland to recycle the dirty water from car washing. This water-saving system was environmentally friendly and could ensure that the dirty water would be 100% pollution free before discharging to the public sewer. DEP had no objection to the sewerage treatment arrangement.

Deliberation Session

10. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2018, 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 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no structure shall be erected over the waterworks reserve within the site and such area shall not be used for storage purposes;
- (c) the submission 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 27.8.2015;
- (d) in relation to (c) 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 27.11.2015;
- (e) the submission of proposals for water supplies for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2015;
- (f) in relation to (e) above, the implementation of proposals for water supplies for fire fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2015;
- (g) if any of the above planning conditions (a) or (b) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) 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.”

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

- “(a) to apply to the District Lands Officer/Sai Kung (DLO/SK) for temporary waiver for the proposed development. To note the advice of DLO/SK that no structures have been permitted within the lots as the lots are Old Schedule Agricultural lot held under the Block Government Lease. However, there is no guarantee that such waiver application will be approved by the Government. Such application, if approved, will be subject to such terms and conditions, including payment of waiver fee and administrative fees, as the Government may consider appropriate;

- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that unless the site abuts on a specified street complying with the requirements under Building (Planning) Regulations (“B(P)R”) 18A(3) and not less than 4.5m wide, the development intensity of the site should be determined by the Building Authority under B(P)R 19(3). Emergency vehicular access complying with B(P)R 41D shall be provided. All unauthorized building works/structures should be removed. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorized works in the future. In accordance with the Government’s committed policy to implement building design to foster a quality and sustainable built environment, his department would advise that the sustainable building design requirements (including building separation, building setback and greenway coverage) under PNAP APP-152 should be included, where possible, in the planning conditions of the proposed application. According to the preliminary information provided, all the proposed building structures should be gross floor area and site coverage accountable under B(P)R. Detailed comments will be provided at plan submission stage;

- (c) to note the comments of the Director of Environmental Protection that the applicant should ensure proper operation and maintenance of the system

and good availability of microbial culture, system spare parts and well-trained personnel, etc., during the operational phase. The applicant should be responsible for providing proper facilities to treat all effluents and wastes generated as necessary and dispose of them in full compliance with the relevant legislative requirements;

- (d) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that there is neither stormwater nor sewerage system maintained by DSD in the vicinity of the site. 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; and

- (e) 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; (ii) the applicant should 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; (iii) there is waterworks reserve within the site. No structure shall be erected over the waterworks reserve within the site and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workman shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains. All other services across, through or under the waterworks reserve are required to seek authorization from the Water Authority. If diversion of water mains is necessary, the applicant shall bear the cost of necessary diversion works affected by the proposed development.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-LI/24 Proposed Religious Institution (Relocation of Church) in “Village Type Development” zone, Lot No. 39 Section P in D.D. 3, Yung Shue Wan, Lamma Island
(RNTPC Paper No. A/I-LI/24)

Presentation and Question Sessions

12. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed religious institution (relocation of church);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Islands, Lands Department did not support the application as there would be less suitable land for the Small House development of indigenous villagers at Yung Shue Wan. Besides, the land falling within the village ‘environ’ or the “Village Type Development (“V”) zone was primarily reserved for Small House development by indigenous villagers. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 25 public comments were received. The Lamma Island (North) Rural Committee (LINRC) had no objection to the proposed development and suggested that it should comply with the requirements for Small House development, sufficient spaces should be reserved for footpath and emergency vehicular access, and appropriate noise mitigation measures should be provided. 23

supportive comments were received from members of the public mainly on the grounds that the proposed development could provide the needed community facilities on Lamma Island and enhance the local community service, and the site was more accessible which could serve more people. One opposing comment was received from the villagers of Yung Shue Wan Village mainly on the grounds that the proposed development would cause noise and security nuisance to the surrounding residents, and it was inappropriate to allow a church to be built on the already scarce land resources for Small House development at Yung Shue Wan; 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. Although the proposed development was not in line with the planning intention of the “V” zone, there was sufficient land within the subject “V” zone to meet the outstanding Small House applications and the 10-year Small House demand of Yung Shue Long Village. Besides, the site was owned solely by the applicant and was not the subject of any Small House application. The proposed development confining to the private land would not jeopardise future Small House development on Lamma Island. Regarding the public comments objecting to the application, the applicant had incorporated measures to address the local concerns on the pedestrian circulation space and potential noise impact. Other concerns including the impact of the proposed development on Small House development within the “V” zone had been addressed in the assessment above.

- 13. Members had no question on the application.

Deliberation Session

- 14. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 a landscape proposal to the satisfaction of the Director of Planning 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 provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the Chief Town Planner/Urban Design and Landscape that clinging plant along the proposed retaining wall is recommended to enhance the landscape screen along the existing walkway;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that disturbance to the adjacent trees should be minimised;
- (c) to note the comments of the Director of Environmental Protection that the sewage disposal issue from the proposed development (i.e. connection to public sewer or septic tank) should be addressed during the detailed design stage of the proposed development;
- (d) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licence, Buildings Department (BD) that:
 - (i) access to the site should be clarified under Building (Planning) Regulation (B(P)R) 5. The land status of adjoining lands, footpath, street, etc. should be clarified upon building plan submission;
 - (ii) unless the site abuts on a specified street complying with the requirements under B(P)R 18A(3) and of not less than 4.5m wide, the development intensity of the site should be determined by the Building Authority (BA) under B(P)R 19(3);

- (iii) the proposal should provide emergency vehicular access (EVA), site access and means of escape to street, and may need to be resolved with the Fire Services Department and the Lands Department upon building plan submission;
 - (iv) 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 BA should be obtained, otherwise they are Unauthorised Building Works. An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance; and
 - (v) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements on building separation, building set back and site coverage of greenery should be included; and
- (e) to note the comments of the Director of Fire Services that EVA arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by BD.”

Agenda Item 6

Section 16 Application

[Open Meeting]

A/I-NEL/6

Temporary Concrete Batching Plant for a Period of 3 Years in
“Undetermined” zone, Lot No. 30 (Part) in D.D. 362, Tsing Chau Wan,
Lantau
(RNTPC Paper No. A/I-NEL/6)

16. The Secretary reported that RHL Surveyors Ltd. (RHL) and Environ Hong Kong Ltd. (Environ) were two of the consultants of the applicant. The following Members had

declared interests in this item:

- Mr H.F. Leung - being an employee of the Department of Real Estate and Construction of the University of Hong Kong where RHL had make donations to the Department; and
- Mr Ivan C.S. Fu - having current business dealings with Environ.

17. Members noted that Mr H.F. Leung had tendered apologies for being unable to attend the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Ivan C.S. Fu could stay in the meeting.

18. The Secretary reported that on 13.2.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time to prepare the required documents in response to departmental comments. This was the applicant's second request for deferment.

19. 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 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-PC/8 Proposed Comprehensive Residential Development and a Commercial Complex in “Other Specified Uses” annotated “Comprehensive Residential Development including a Commercial Complex” zone, Lot No. 678 in D.D. Peng Chau, Peng Lei Road, Peng Chau
(RNTPC Paper No. A/I-PC/8)

20. The Secretary reported that Landes Ltd. (Landes) was one of the consultants of the applicant. Ms Janice W.M. Lai and Mr Ivan C.S. Fu, who had current business dealings with Landes, had declared interests in this item.

21. Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting. Members also noted that Mr Ivan C.S. Fu had no involvement in the application and agreed that he could stay in the meeting.

Presentation and Question Sessions

22. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed comprehensive residential development and a commercial complex;

[Mr David Y.T. Lui arrived to join the meeting at this point.]

- (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, one public comment was received from an individual who proposed to reduce the provision of duplex units so that more residential units could be provided; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. Regarding the public comment, the applicant had responded that small-sized apartments and medium-to-large sized duplex units were to be provided in the proposed development to serve various types of users.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 a landscape proposal including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of 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 of sewerage impact assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the local sewerage upgrading/sewerage connection works/mitigation measures identified in the SIA in planning condition (c)

above to the satisfaction of the Director of Drainage Services or of the TPB;
and

- (e) the provision of cycle parking spaces to the satisfaction of the Commissioner for Transport or of the TPB.”

25. 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 according to the lease, the design and disposition of the proposed development on the lot shall be subject to the approval of LandsD;
- (b) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licensing, Buildings Department (BD) that :
 - (i) recreational facilities, office accommodation for watchman or caretakers should be gross floor area (GFA) accountable unless exempted in accordance with the requirements stipulated in PNAP APP-42, APP-104 and APP-42. The applicant’s attention is also drawn to the policy on GFA concessions under PNAP APP-151 in particular the 10% overall cap on GFA concessions and, where appropriate, the requirements of the sustainable building design guidelines under PNAP APP-152;
 - (ii) before any new building works 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. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO); and
 - (iii) detailed comments under the BO on individual sites for private developments such as permissible plot ratio, site coverage,

emergency vehicular access (EVA), private streets, and/or access roads, open space, barrier free access and facilities, compliance with the sustainable building design guidelines, etc. will be formulated at the building plan submission stage;

- (c) to note the comments of the Director of Food and Environmental Hygiene that it is advisable to reserve a refuse storage and material recovery chamber to facilitate the storage of refuse/waste arising from the development prior to disposal from hygiene point of view;
- (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) EVA shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD;
- (e) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department (DSD) that public sewer and stormwater drains exist in the vicinity of the site. Drainage connection works is therefore required at the applicant's own cost to the satisfaction of DSD. The applicant is also reminded to check the capacity of the existing sewer and stormwater drain due to imposed drainage loading from the proposed development.
- (f) the approval of the application does not imply that any proposal on GFA concession for the proposed development will be approved/granted by the BA. The applicant should approach BD direct to obtain the necessary approval. If the GFA concession is not approved/granted by the BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required.”

[The Chairman thanked Mrs Alice K.F. Mak and Mr Richard Y.L. Siu, STPs/SKIs, for their attendance to answer Members' enquires. Mrs Mak and Mr Siu left the meeting at this point.]

Sha Tin, Tai Po and North District

[Ms Channy C. Yang, Mr C.K. Tsang, 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 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/11 Proposed House (New Territories Exempted House - Small House) in
“Unspecified Use” area, Lots No. 432 S.A and 433 in D.D. 289, Ko
Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/11)

Presentation and Question Sessions

26. Ms Channy C. Yang, STP/STN, presented the application and covered the following aspects as detailed in the Paper:

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

- (i) the Commissioner for Transport had reservation on the application as approval of Small House development outside the “Village Type Development” (“V”) zone would set an undesirable precedent case for similar applications in the future, and the resulting cumulative adverse traffic impact could be substantial;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application as no tree assessment and tree preservation proposal of the surrounding vegetation was provided to demonstrate that there would be no adverse landscape impact arising from the proposed Small House and the associated construction access. Approval of the application would attract further Small House development that might cause adverse landscape impact beyond the site and general degradation to the green knoll. In addition, significant landscape impact beyond the site arising from the proposed drainage connection was anticipated;
 - (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, four public comments were received from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and Ko Tong Village Owners & Tenants Society, which objected to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the Development Permission Area (DPA) Plan and the “Unspecified Use” area and would cause ecological and landscape impacts; approval of the application would set an undesirable precedent for other similar applications; there was vegetation clearance; no relevant impact assessments had been provided; the proposed Small House might be built for profit; no development should be approved prior to the detailed planning of the “Unspecified Use” area; and the site notice for the application had not been posted on the Village

Notice Board until 23 or 24.1.2015; 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 met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was insufficient land within the subject “V” zone to meet the Small House demand. CTP/UD&L, PlanD's concerns could be addressed by the imposition of an approval condition on the submission and implementation of a landscape and tree preservation proposal including site formation plan and stormwater drainage plan. Regarding the view that no development should be approved prior to the detailed planning of the “Unspecified Use” area, the intention of the DPA Plan was to establish planning control of the area but not to prohibit development pending the preparation of an Outline Zoning Area (OZP). Application for development in this period could be considered on a case-by-case basis on individual merits. As to the posting date of the site notice, site notices on the Village Notice Board and in the site had been posted since the first day of the statutory publication period of the application. Regarding other adverse public comments, the above assessments were relevant.

27. In response to the Chairman's question, Ms Channy C. Yang, STP/STN said that the proposed Small House fell within the sportsground of a vacant village school.

28. A Member asked STP/STN for the detailed information of the blue line shown on Drawing A-2 of the Paper. In response, Ms Channy C. Yang said that it was the stormwater drainage proposed under the application. In general, detailed drainage proposal would not be requested during the planning application stage. Yet, the drainage proposal had been circulated to the Drainage Services Department (DSD) for comments, and DSD had no objection to the application but advised that an approval condition on the submission and implementation of a drainage proposal was required.

29. A Member noted that there was insufficient land within the subject “V” zone to meet the Small House demand, sympathetic consideration could be given to the application.

This Member said that if the same consideration was adopted for approving similar Small House applications in the future, it would imply an expansion of the subject “V” zone, and asked if the approval of this application would set a precedent case. The Member also asked why the two Small House applications No. DPA/A/NE-TT/5 and DPA/A/NE-TT/6 in Uk Tau were rejected by the Committee on 16.1.2015.

30. In response, Ms Channy C. Yang said that the application generally met the Interim Criteria in that there was insufficient land within the subject “V” zone to meet the Small House demand and the proposed Small House fell entirely within the village ‘environ’. Moreover, the subject plan was a DPA Plan instead of an OZP, and the boundary of the “V” zone was drawn up provisionally around existing village clusters and building structures. Therefore, land available for Small House development was insufficient. The DPA had a population of about 240 persons according to the 2011 Population Census and was served by both road and marine accesses. The area of the subject “V” zone for Ko Tong was about 0.7ha; while the number of outstanding Small House application was currently 32 (requiring about 0.8ha of land). Ko Tong was an active village and was under development pressure. The general area covering the application site was considered suitable for village expansion as it was a piece of flat land mostly under private ownership and was only about 20m away from the existing village cluster connected by a paved staircase. It was also in proximity to Pak Tam Road. Regarding the two rejected applications in Uk Tau, they were located 30m away from the existing village cluster without a proper pedestrian connection and were located within native woodland with extensive vegetation coverage, while the subject site was situated on a flat-topped knoll covered by common shrubs and grass only.

31. A Member asked STP/STN for the locations of the 32 Small House applications being processed by the Lands Department. In response, Ms Channy C. Yan said that the concerned locations were highlighted in grey on Plan A-2 of the Paper, and the Small Houses required planning permission

Deliberation Session

32. The Chairman said that since the site was the sportsground of a former village school which had been formed, adverse impacts on the surrounding environment were not anticipated.

33. A Member asked how the applicant obtained the site if it was originally the sportsground of a former village school and noted that the site was an old schedule agricultural lot under private ownership. The Chairman further supplemented that it was not unusual that land in the rural area might be donated by the local villagers for use by village school, while the land remained to be held in private ownership.

34. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 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 and stormwater drainage plan to the satisfaction of the Director of Planning or of the TPB.”

35. 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 (DLO/TP, LandsD) that if and 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. The site formation plan submitted for site formation cum stormwater drainage works may involve government land and other private land. For works to be taken outside the lot

boundaries of Lots 432 S.A and 433 in D.D. 289, the applicant should obtain prior permission/exemption from his office and/or seek consent from relevant lot owner(s) before commencement of the works;

- (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 or 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. The applicant should note the following:
 - (i) the proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at his expenses;

 - (ii) the lot owner/developer is required to rectify/modify the drainage system if it is found to be inadequate or ineffective during operation. The lot owner/developer shall also be liable for and shall indemnify Government against claims and demands arising out of damage or nuisance caused by failure of the system;

 - (iii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP and/or relevant private lot owners

should be sought;

- (iv) the lot owner/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the lot. In the event of any damage to the existing drainage facilities, the lot owner/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom;
 - (v) the drainage proposal should be designed by the applicant based on the actual site condition for DSD's comment/agreement. His office would not assist the applicant to design their drainage proposal. In the design, the applicant should consider the workability, the impact on the surrounding environment and seek comment from other concerned parties/departments if necessary;
 - (vi) the proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from surrounding of the site;
 - (vii) the applicant should make sure that no adverse impact will be caused to the area due to the proposed works. The existing natural streams, village drains, ditches and the adjacent areas should not be adversely affected;
- (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 vegetation outside the lot boundary, in particular trees on government land, without the Government's approval;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should seek the ecological advice from the Agriculture, Fisheries and Conservation Department;
- (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 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; 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 the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
 - (i) for 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 PlanD, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) 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 filing/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 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/104 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lots No. 146 S.A, 146 S.B ss.1 and 146 S.B RP in D.D. 167, Cheung Muk Tau, Ma On Shan
(RNTPC Paper No. A/MOS/104)

Presentation and Question Sessions

36. 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 house (New Territories Exempted House (NTEH) - Small House);

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. Major departmental comments were summarised below:
- (i) the Director of Environmental Protection did not support the application as the proposed Small House would be subject to excessive road traffic noise impact from Sai Sha Road. There was no information in the submission to demonstrate that the proposed development could meet the traffic noise standard in the Hong Kong Planning Standards and Guidelines;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as an approval of the application would set an undesirable precedent which would encourage more houses to be developed in the “Green Belt” (“GB”) zone and adversely affect the integrity of the “GB” zone which served as a buffer between Sai Sha Road and Cheung Muk Tau Village;
 - (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 11 public comments were received from the residents of Cheung Muk Tau Village and Designing Hong Kong Limited, which objected to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the “GB” zone and would adversely affect the local environment, traffic, landscape or visual quality, pedestrian access, sewerage/drainage system and provision of community facilities in the village; the approval of the application would set an undesirable precedent; and no relevant impact assessments had been provided. Besides, the applicant failed to demonstrate that the proposed Small House would not be subject to adverse traffic noise impact from Sai Sha Road; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was not in line with the planning intention of the “GB” zone. The application did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that there was no general shortage of land in meeting the Small House demand in the “Village Type Development” zone of Cheung Muk Tau Village.

37. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the “GB” zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Cheung Muk Tau Village. It is considered more appropriate to concentrate Small House development within the “V” zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services;
- (c) the applicant fails to demonstrate that the proposed development would not

be subject to adverse traffic noise impact from Sai Sha Road; and

- (d) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/559 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot No. 913 in D.D. 46, Sha Tau Kok Road - Ma
Mei Ha, New Territories
(RNTPC Paper No. A/NE-LYT/559)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Major departmental comments were summarised below:
 - (i) the Commissioner for Transport had reservation on the application and considered that the approval of the Small House development outside the “Village Type Development” (“V”) zone would set an undesirable precedent case for similar applications in the future,

and the resulting cumulative adverse traffic impact could be substantial;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as the site was located entirely within the “Green Belt” (“GB”) zone, and the approval of the application would set an undesirable precedent of spreading Small Houses in the “GB” zone and thus erode the function and purpose of the “GB” zone;
 - (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A North District Council member supported the application as it could provide convenience to the villagers, while Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the “GB” zone; and there was no public gain and inadequate provision of road and parking areas; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was not in line with the planning intention of the “GB” zone, and about 1.54 ha of land (equivalent to about 61 Small House sites) was still available within the “V” zone of Ma Mei Ha for Small House development. It was considered more appropriate to concentrate the proposed Small House within the “V” zone for an orderly development pattern.

40. In response to a Member’s question on the location of the Small House under application No. A/NE-LYT/224, Mr Wallace W.K. Tang, STP/STN said that it was located next to the site as shown on Plan A-4 of the Paper.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone in the Lung Yeuk Tau and Kwan Tei South area which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets and there is a general presumption against development within this zone. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) land is still available within the “Village Type Development” (“V”) zone of Ma Mei Ha for Small House development. It is considered more appropriate to concentrate the proposed Small House within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in spreading Small Houses in the “GB” zone and a general degradation of the rural environment of the area.”

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-KLH/485 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot No. 263
S.D ss.9 in D.D. 9, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/485)

42. The Secretary reported that on 13.2.2015, the applicant had requested for deferment of the consideration of the application for two months to allow time to seek comments from the Drainage Services Department and land owners’ consent for the proposed drainage facilities. This was the applicant’s first request for deferment.

43. 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 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/486 Temporary Open Storage of Construction Material for a Period of 3
Years in “Agriculture” zone, Lots No. 4 and 5 in D.D. 7, Kau Lung
Hang
(RNTPC Paper No. A/NE-KLH/486)

Presentation and Question Sessions

44. 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 open storage of construction material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Agriculture, Fisheries & Conservation objected to the application as the site fell within the “Agriculture” (“AGR”) zone which had high potential for rehabilitation of agricultural activities;
 - (ii) the Director of Environmental Protection did not support the application as there were sensitive receivers within 100m of the site and within 50m of the access road;
 - (iii) the Chief Engineer/Development(2), Water Supplies Department objected to the application as there was a high risk of pollution to the water gathering ground;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application as the proposed temporary storage was not compatible with the surrounding rural village setting and would set an undesirable precedent attracting similar operations to the area, thus degrading its overall landscape quality;
 - (v) other concerned government departments had no objection to or no

adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from the Indigenous Inhabitant Representative of Nam Wa Po mainly on the grounds that the site was a green buffer between Nam Wa Po Village and Tai Hang Village and should not be used for open storage of construction materials which would cause adverse impacts on traffic, noise, underground water and environment of the surrounding areas;
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed temporary open storage use was not in line with the planning intention of the “AGR” zone, and was not compatible with the surrounding land uses. The application did not comply with the Town Planning Board Guidelines No. 13E on Application for Open Storage and Port Back-up Uses in that the site falling within Category 3 areas was not subject to any previous planning approval for similar open storage use. The applicant also failed to demonstrate that the proposed temporary use would not have adverse landscape, water quality and environmental impacts on the surrounding areas. The approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

45. In response to the Chairman's question on the access road to the site, Mr C.T. Lau, STP/STN, said that there was an existing access road leading from Fanling Highway.

Deliberation Session

46. The Secretary reported that on the date of the meeting, the applicant had submitted a letter requesting the permission to allow his representative to present the application to the Committee directly. The Secretary continued to say that since this was a section 16 application, the applicant could apply for a review under section 17 of the Town

Planning Ordinance, if he was aggrieved by the decision of the TPB. Members noted.

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

- “(a) the application is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the applied use does not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that no previous planning approval has been granted to the site; it is not compatible with the surrounding land uses which are predominantly rural in character; there were adverse departmental comments and local objection to the application and the applicant fails to demonstrate that the development would not have landscape, water quality and environmental impacts on the surrounding areas; and
- (c) the approval of the application, even on temporary basis, would set an undesirable precedent for similar applications within the same “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the environment in the area.”

Agenda Items 13 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/525 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Government Land in D.D. 19, Chung Uk Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/525)

A/NE-LT/527 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Government Land in D.D. 19, Chung Uk Tsuen,
Tai Po
(RNTPC Paper No. A/NE-LT/527)

48. 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 “Agriculture” (“AGR”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. Major departmental comments were summarise as below:
 - (i) the Director of Agriculture, Fisheries and Conservation did not support the applications as the sites had potential for rehabilitation

of agricultural activities. There was a mature *Syzygium euonymifolium* within the site under application No. A/NE-LT/525, which was also located in the vicinity the site under application No. A/NE-LT/527;

- (ii) both the Director of Environmental Protection and the Chief Engineer/ Development (2) of Water Supplies Department did not support the applications as the sites were located in an area where sewer connection to the future public sewerage system by gravity was not feasible and there was insufficient information in the submissions to indicate that the proposed houses could be connected to the planned sewerage system in the area;
 - (iii) the Commissioner for Transport had reservation on the applications and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the applications as the sites were situated on a vegetated slope with mature woodland and shrubs. The proposed Small Houses would require significant site formation leading to deterioration of the landscape quality, tree felling and vegetation loss. No information had been submitted to demonstrate that the potential adverse impacts on the existing landscape could be sufficiently mitigated;
 - (v) other concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, 15 public comments objecting to each of the applications were received from Conservancy Association, Designing Hong Kong Limited and World Wide Fund for Nature Hong Kong as well as individuals mainly on the grounds

of being not in line with the planning intention of the “Agriculture” (“AGR”) zone; having potential traffic, drainage, landscape, environmental and geotechnical impacts; no proper provision of parking and proper access; and no submission of relevant impact assessments. Some of the commenters also mentioned that there was a rare tree species *Syzygium euonymifolium* which was estimated to be over 200 years old within the site under application No. A/NE-LT/525 and in the vicinity of the site under application No. A/NE-LT/527; and

- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. The proposed Small Houses were not in line with the planning intention of the “AGR” zone and there was still land available within the “V” zone of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai for the Small House development. The proposed Small Houses did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories, in that the proposed Small Houses located within the water gathering ground would not be able to connect with the existing or planned sewerage system and would cause adverse landscape and water quality impacts on the surrounding areas. The approval of the applications might set an undesirable precedent for other similar applications. The cumulative impact of approving the applications would result in a general degradation of the environment and landscape quality of the area.

50. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the

“Agriculture” (“AGR”) zone, which is primary to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development within the upper indirect water gathering ground would not be able to be connected to the existing or planned sewerage system and would cause adverse landscape and water quality impacts on the surrounding areas. There is still land available within the “Village Type Development” zone of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai for the proposed development; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impact of approving such applications would result in a general degradation of the environment of the area.”

[Mr David Y.T. Lui left the meeting at this point.]

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/526 Proposed House (New Territories Exempted House - Small House) in
“Government, Institution or Community” zone, Government Land in
D.D. 19, Chung Uk Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/526)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. Major departmental comments were summarised below:
 - (i) both the Director of Environmental Protection and the Chief Engineer/Development (2) of Water Supplies Department did not support the application as the site was located in an area where sewer connection to the future public sewerage system by gravity was not feasible and there was insufficient information in the submission to indicate that the proposed Small House could be connected to the planned sewerage system in the area;
 - (ii) the Commissioner for Transport had reservation on the application and considered that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible;
 - (iii) the Director of Agriculture, Fisheries and Conservation had reservation on the application as extensive tree felling might be required;
 - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) objected to the application as the site was situated on a vegetated slope with mature woodland and shrubs.

The proposed Small House would require significant site formation leading to deterioration of the landscape quality, tree felling and vegetation loss. No information had been submitted to demonstrate that the potential adverse impacts on the existing landscape could be sufficiently mitigated;

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

- (d) during the first three weeks of the statutory publication period, 15 public comments objecting to the application was received from Conservancy Association, Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong, and individuals mainly on the grounds of being not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone; having potential traffic, drainage, landscape, environmental and geotechnical impacts; no proper provision of parking and proper access; and no submission of relevant impact assessments. Some of the commenters also mentioned that there was a rare tree species *Syzygium euonymifolium* which was estimated to be over 200 years old in the vicinity of the site; and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was not in line with the planning intention of the “G/IC” zone and the site was reserved for Government, institution or community use to cater for future demand. Moreover, there was still land available within the “V” zone of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai for the Small House development. The proposed Small House did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed Small House located within the water gathering ground would not be able to connect with the existing or planned sewerage system and would cause adverse landscape and water quality impacts on the surrounding areas. Approval of the application might set an undesirable precedent for other similar

applications. The cumulative impact of approving such application would result in general degradation of the environment and landscape quality of the area and further intrusion of Small House development into the area and affect the realisation of the planning intention of the “G/IC” zone.

53. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone, which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or a wider district, region or the territory. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development within the upper indirect water gathering ground would not be able to be connected to the existing or planned sewerage system and would cause adverse landscape and water quality impacts on the surrounding areas. There is still land available within the “Village Type Development” zone of Chung Uk Tsuen, Fong Ma Po, Tong Min Tsuen and San Uk Tsai for the proposed development; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative impact of approving such applications would lead to further intrusion of Small House development into the area and affect the realisation of the planning

intention of the “G/IC” zone.”

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

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/534 Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” zone, Lots No. 214 S.A ss.1 (Part), 214 S.B ss.1 (Part), 214 S.A RP (Part) in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/534)

Presentation and Question Sessions

55. 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);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) had concern on the application in that the proposed outside seating area was very close to some residential premises and would easily create environmental nuisances such as noise and odour to the residents nearby. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited raising

concerns on the possible drainage and sewerage impacts; 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 12 of the Paper. To address DEP's concern, an approval condition restricting the operation hours was recommended. Regarding the public comment, the Chief Engineer/Mainland North, Drainage Services Department and DEP had no objection to the application.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no operation between 10:30 p.m. and 10:30 a.m., as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2015;
- (c) in relation to (b) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2015;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.8.2015;
- (e) in relation to (d) 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 27.11.2015;

- (f) if the above planning condition (a) 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;
- (g) if any of the above planning conditions (b), (c), (d) or (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (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. The applicants are advised to observe the requirements of emergency vehicular access (EVA) as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by Buildings Department (BD);
- (c) to note the comments of the Commissioner for Transport that the existing village access near the site is not under the Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no existing DSD maintained public drain available for connection in this area. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from the surrounding of the site, e.g. surface channel or 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 walls/fences are to be erected. Any existing flow path affected should be re-provided. The applicants/owners are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation, the applicants/owners shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. For works to be undertaken outside the site boundary, prior consent and agreement from the Lands Department and/or relevant private lot owners should be sought. There is no existing public sewerage available for connection in the vicinity of the site; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that :
- (i) if any existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject application;
 - (ii) 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 Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;

- (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (iv) if the proposed use under application is subject to the issue of a licence, please be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (v) the site shall be provided with means of obtaining access thereto from a street and EVA 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 Items 17 and 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/538 Proposed House (New Territories Exempted House - Small House) in
“Government, Institution or Community” zone, Government Land in
D.D. 29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/538)

A/NE-TK/539 Proposed House (New Territories Exempted House - Small House) in
“Government, Institution or Community” zone, Government Land in
D.D. 29, Ting Kok, Tai Po
(RNTPC Paper No. A/NE-TK/539)

59. 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 “Government, Institution or Community” (“G/IC”) zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. Major departmental comments were summarised below:
 - (i) the Commissioner for Transport had reservation on the applications and considered that the proposed Small Houses should be confined within the “Village Type Development” (“V”) zone as far as possible;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had strong reservation on the applications. A mature tree with significant size (*Ficus variegata var. chlorocarpa*) was located to the immediate west of the sites. The construction of the proposed Small Houses would disturb the roots of the mature

tree and might affect its health;

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

- (d) during the first three weeks of the statutory publication period, 13 and 10 public comments were received from the villagers, village representatives and Indigenous Inhabitant Representatives of Ting Kok village, Designing Hong Kong Limited and individuals on applications No. A/NE-TK/538 and A/NE-TK/539 respectively. They objected to the applications on the grounds that no Small House application was recorded in the concerned village; the proposed Small Houses would cause adverse impacts on traffic, safety, environmental, ecological, geotechnical, noise and air pollution, and *fung shui*, and was not in line with the planning intention of the “Government, Institution and Community” (“G/IC”) zone; and no relevant impact assessment had been provided. For application No. A/NE-TK/538, the commenters also mentioned that there was no strong justification or public gain for granting government land for private housing development; 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 Houses were not in line with the planning intention of the “G/IC” zone and did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed Small Houses would cause adverse impact on the surrounding areas and there was still land available within the “V” zone of Ting Kok Village. The subject “G/IC” zone was reserved for Government, institution and community use to cater for future demand. The approval of the applications would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative impact of approving such applications would lead to further intrusion of Small House development into the area and affect the realisation of the planning intention of the “G/IC” zone.

61. Members had no question on the application.

Deliberation Session

62. 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 proposed development is not in line with the planning intention of the “Government, Institution or Community” (“G/IC”) zone which is primarily for the provision of Government, institution or community facilities serving the needs of the local residents and/or the territory. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding areas. There is still land available within the “Village Type Development” zone of Ting Kok village for the proposed development; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “G/IC” zone. The cumulative impact of approving such applications would lead to further intrusion of Small House development into the area and affect the realisation of the planning intention of the “G/IC” zone.”

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/540 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Government Land in D.D. 28, Tai Mei Tuk, Tai Po
(RNTPC Paper No. A/NE-TK/540)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Major departmental comments were summarised below:
 - (i) the Commissioner for Transport had reservation on the application and considered that Small House development should be confined within the “Village Type Development” (“V”) zone as far as possible;
 - (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as approval of the application would encourage similar applications in the area, and the cumulative effect of approving the Small House developments would result in urban sprawl and further degradation of landscape quality in the area. Moreover, the construction of the proposed Small House would involve

significant site formation and damage the trees;

- (iii) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 13 public comments were received from the Chairman of Lung Mei Village Office, Designing Hong Kong Limited and individuals objecting to the application mainly on the grounds of unclear village boundary between Tai Mei Tuk village and Lung Mei village; adverse impacts on landscape, environmental, ecological, water quality, safety and traffic; being not in line with the planning intention of the “Green Belt” (“GB”) zone; and no relevant impact assessment had been provided; 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 proposed Small House generally complied with the Interim Criteria for Consideration of Application for the NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprint fell within the village ‘environ’ (‘VE’) and there was a general shortage of land in meeting the Small House demand in the “V” zone of Lung Mei village, Wong Chuk Tsuen and Tai Mei Tuk village. Sympathetic consideration could therefore be given to the application. To address CTP/UD&L’s concern, appropriate approval condition on tree preservation was recommended. Regarding the public comments, relevant government department had no objection to or no adverse comment on the application and the assessments above were relevant. As for the comment on village boundary, the District Lands Officer/Tai Po, Lands Department (LandsD) advised that the site fell within the ‘VE’ of Lung Mei and Tai Mei Tuk villages, being the land administration boundary governed by LandsD.

64. In response to the Chairman’s question about the enforcement case located to the northeast of the site, Mr C.T. Lau, STP/STN, said that the site of the said enforcement case was originally vegetated but the vegetation coverage was previously found to be removed.

The concerned site had already been reinstated with a nursery.

65. A Member asked why the site falling entirely within the “GB” zone could be approved if about 3.24ha (about 129 Small House sites) of land were still available for Small House development within the “V” zone. The approval of this application was considered not in compliance with the Interim Criteria. In response, Mr C.T. Lau said that the footprint of the proposed Small House entirely fell within the ‘VE’. In addition, although the “V” zone was sizeable, the land available for Small House development covered three villages, including Tai Mei Tuk, Wong Chuk Tsuen and Lung Mei.

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

66. The Chairman noted that the Committee had previously approved quite a number of applications for Small House development falling in the subject “GB” zone, which included Meadow Cove to the west of the site, and asked STP/STN to provide information on these applications. In response, Mr C.T. Lau said that there were 17 similar applications in the vicinity of the site. Of which, 10 were approved. The approved applications generally complied with the Interim Criteria in that there was a general shortage of land within the “V” zone for Small House development and the proposed Small House would have no adverse impact on the surrounding areas. Meadow Cove involved 37 Small Houses and the small house grant was approved by the Lands Department in 2001. For the two rejected applications No. A/NE-TK/401 and 432, they did not comply with the Interim Criteria as the proposed Small Houses were on a slope with extensive vegetation coverage.

67. A Member said that the Committee had in the past few months or so had adopted a more stringent approach in considering Small House applications, and noted that most of the said applications were approved outside this period. This Member asked STP/STN to provide information of application No. A/NE-TK/531 that was located adjacent to the site and whether there were any special reasons, such as the concerned site was with a Building License, in approving the application as two trees were found in the concerned site. Mr C.T. Lau said that the concerned site was government land with no Building License and the trees were only common species.

68. A Member asked STP/STN to provide information on a white line to the north of

Meadow Cove shown on Plan A-3 of the Paper. In response, Mr C.T. Lau said that the white line should be a footpath leading to some “*kam tap*”.

69. A Member asked the major criteria in considering the application with sites locating entirely within the “GB” zone but falling within the ‘VE’; while land available for Small House development was still available in the “V” zone. The Chairman said that generally the application site must be situated within the ‘VE’ and due consideration should be given to the availability of land for Small House development within the “V” zone vis-a-vis the Small House demand forecast. Moreover, each application would be considered on a case-by-case basis, subject to the site context such as whether the proposed Small House would involve extensive vegetation clearance and site formation.

Deliberation Session

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

70. A Member did not support the application and said that there was no imminent need for its approval, given that land was available within the “V” zone to accommodate about 129 Small Houses. The Member said that although the proposed Small House complied with the Interim Criteria, a more cautious approach should be adopted in considering the application, as there were extensive clearance of vegetation and large-scale Small House development of the subject “GB” zone over the past years and further encroachment was anticipated. Notwithstanding, the Member said that the Committee should go through the circumstances of application No. A/NE-TK/531 and its reasons for approval before making a decision on the subject application.

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

[The meeting was adjourned for a break of 10 minutes.]

71. The Secretary reported that the circumstances of application No. A/NE-TK/531 and the subject application were similar. The Chairman supplemented that in approving application No. A/NE-TK/531, the Committee noted that quite some applications for Small House development adjacent to the concerned site had been approved previously, as the area

was in high demand for Small House development and no technical difficulties were identified. As for the subject site, its topography was comparatively flat, while the proposed Small House under application No. A/NE-TK/401 to the east of the site was disapproved as it was located on a slope.

72. In response to a Member's earlier question on the enforcement case with regard to a site to the northeast of the subject site, the Secretary said that an Enforcement Notice (EN) and a Reinstatement Notice (RN) were issued in 2013. Since the concerned site had been reinstated to a nursery, Compliance Notices for both EN and RN were issued in 2014. The Chairman further said that the required action for the enforcement case was completed under the Town Planning Ordinance.

73. A Member said that since the site was located next to the Small House development under application No. A/NE-TK/531 recently approved by the Committee, sympathetic consideration should be given to the subject application for the sake of consistency. However, it should be noted that more stringent approach should be adopted in approving future similar applications in the area as land for Small House development was still available in the "V" zone and further encroachment onto the subject "GB" zone could be foreseen. In the future, should there be applications for Small House development in Tai Mei Tuk, sympathetic consideration should only be given to those located close to the "V" zone.

74. To conclude, the Chairman said that PlanD should take into account Members' concerns in processing future applications for Small House development within the "GB" zone in Tai Mei Tuk.

75. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 a tree preservation proposal to the satisfaction of the Director of Planning 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;
- (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 the Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.”

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

- “(a) the applicant is required to register, before execution of the 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 in the vicinity of the site, the sewer connection is feasible; the applicant should connect the public sewer at his own cost; and adequate land should be reserved for the existing sewer connection work;
- (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 is to be erected. Any existing flow path affected should be re-provided;
 - (iii) 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 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 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
 - (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 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;
- (f) to note the comments of the Director of Electrical and Mechanical Services that :

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

- (i) 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 '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;
- (g) to note the comments of the Commissioner for Transport that the existing village access near the site is not under the management of the Transport Department. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
- (h) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works."

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/580 Rebuilding of New Territories Exempted House in “Green Belt” and
 “Village Type Development” zones, Lot No. 841 in D.D. 26, Wong
 Yue Tan, Tai Po
 (RNTPC Paper No. A/TP/580)

Presentation and Question Sessions

77. 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 rebuilding of New Territories Exempted House (NTEH);
- (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
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed NTEH complied with the Town Planning Board Guidelines No. 10 for Application for Development within Green Belt (“GB”) Zone under Section 16 of the Town Planning Ordinance. It had been an existing practice of the Committee to respect the development right of a site permitted under the lease should there be no adverse planning implications. For the subject application, the scale and intensity of the proposed redevelopment of the existing NTEH were in line with that of the existing

one. Therefore, the site with an existing building status under the lease could be considered as an exceptional circumstance.

78. In response to the Chairman's question, Mr C.T. Lau, STP/STN confirmed that the entire site had been formed and the footprint of the proposed development would be shifted southward and fell within the "GB" zone.

79. Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department (AD/R3, LandsD) asked whether the remaining portion of the site could accommodate an additional NTEH since the footprint of the proposed NTEH was shifted southward. In response, Mr C.T. Lau said that an additional NTEH could be built.

Deliberation Session

80. A Member said that he would not support the application if the Building Licence granted to the applicants had restricted the redevelopment of the NTEH to its original footprint. However, if the Building Licence allowed the applicants to rebuild the NTEH at any location within the lot, the Committee should respect the development right of the applicant.

81. In response, Mr Edwin W.K. Chan, AD/R3, LandsD, confirmed that the Building Licence had restricted the redevelopment of NTEH to its original footprint. Since the footprint of the proposed NTEH had shifted southward, the remaining portion of the site, if sub-divided to a separate lot, could be developed for an additional NTEH as it would fall entirely within the "Village Type Development" ("V") zone and the village 'environ'. As such, the remaining portion of the site could be sold to a different land owner for a separate NTEH development.

82. The Secretary supplemented that in accordance to the Paper, a Building Licence was granted to the applicant in 2000. The Chairman further said that the owners of the lot had the contractual right to redevelop the lot according to the footprint of the existing NTEH. Should there be a revision of the footprint, a modification of the Building Licence was required. Therefore, the proposed redevelopment of the existing NTEH with a different footprint was not permitted as of right under the Building Licence.

83. The Chairman said that the existing NTEH fell partly within the “V” zone and partly within the “GB” zone. If the footprint and disposition of the proposed NTEH was the same as those of the existing one, no planning permission from the Town Planning Board (TPB) was required. It was also noted that the footprint of the proposed NTEH would fall entirely within the “GB” zone.

84. A Member said that even if the Committee did not approve the application, the development right of the lot owner would not be deprived of, but only that the rebuilding of the NTEH would have to follow the footprint of the existing one. Moreover, the proposed NTEH was not in line with the planning intention of the “GB” zone. Members concurred and agreed that the application should not be approved.

85. After deliberation, the Committee decided to reject the application for the following reason:

“(a) the building footprint of the proposed New Territories Exempted House falls entirely within the “Green Belt” (“GB”) zone, the planning intention of which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within the “GB” zone.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/581 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” zones, Lots No. 373 and 377 in D.D. 32 and Adjoining Government land, Ha Wong Yi Au, Tai Po
(RNTPC Paper No. A/TP/581)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department had strong reservation on the application as tree felling and land excavation/site formation would be necessary for the proposed Small House, resulting in encroachment onto the “Green Belt” (“GB”) zone and more wooded slope to be disturbed. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed Small House was not in line with the planning intention of the “GB” zone and, there was cumulative loss of “GB” zones in Tai Po and the issue of parking and access; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although CTP/UD&L had strong reservation on the application, the Director of Agriculture, Fisheries and Conservation had no comment on the application from nature conservation point of view noting that the site was hard paved and with common fruit trees. To address CTP/UD&L, PlanD’s concern, an approval condition on submission and implementation of landscape and tree preservation proposals was recommended. Regarding the public comment, relevant government departments had no

objection to or no adverse comment on the application.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) The provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Land Officer/Tai Po, Lands Department (DLO/TP, LandsD) that if and after planning approval has been given by the TPB, DLO/TP 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 Chief Engineer/Mainland North, Drainage Services Department (DSD) as follows:

- (i) there is no existing public drain maintained by DSD available for connection at Wong Yi Au Road. The applicant 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 shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
 - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from DLO/TP, LandsD and/or private lot owners should be sought; and
 - (iii) public sewerage connection is available at Wong Yi Au Road. The applicant should be reminded to follow the established procedures and requirements for the connecting sewers from the site to the public sewerage system. A connection proposal should be submitted to DSD via DLO/TP, LandsD for approval beforehand. Moreover, the sewerage connection will be subject to technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from DSD website at <http://www.dsd.gov.hk>. In addition, the proposed public sewerage system in the vicinity of the site will be implemented under the project "Tolo Harbour Sewerage of Unsewered Areas Stage 2" undertaken by the Consultants Management Division, DSD. Alternatively, the Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend 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 Commissioner for Transport that the nearby village access is not under the jurisdiction of the Transport Department. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to LandsD to verify if the site satisfies the criteria for exemption from site formation works as stipulated in PNAP App-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (f) 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;
- (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/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 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 ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

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

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

Fanling, Sheung Shui and Yuen Long East District

[Mr K.T. Ng and Mr Kepler S.Y. Yuen, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

90. The Secretary reported that the application was submitted by Profit Point Enterprises Ltd., which was a subsidiary of Henderson Land Development Co. Ltd. (HLD), with Masterplan Ltd. (Masterplan), AECOM Asia Co. Ltd. (AECOM), LWK & Partners (HK) Ltd. (LWK) and MVA Hong Kong Ltd. (MVA) being four of the consultants of the applicant. The following Members had declared interests in this item:

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

Mr Ivan C.S. Fu - being the director and shareholder of LWK and having current business dealings with HLD, Masterplan, AECOM and MVA;

Professor S.C. Wong - having current business dealings with AECOM;

- being an employee of the University of Hong Kong (HKU) which received a donation from a family member

of the Chairman of HLD;

- being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department;

Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD;

Mr H.F. Leung - being an employee of HKU which received a donation from a family member of the Chairman of HLD;

Dr W.K. Yau - being the Chief Executive Officer of Tai Po Environmental Association Ltd. which received a donation from HLD; and

Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which received a donation from a family member of the Chairman of HLD.

91. Members noted that Ms Janice W.M. Lai and Mr H.F. Leung had tendered apologies for being unable to attend the meeting. Since the interest of Mr Ivan C.S. Fu was direct, Members agreed that he should leave the meeting temporarily for this item. As the interests of Professor K.C. Chau, Dr W.K. Yau and Mr Peter K.T. Yuen were indirect and Professor S.C. Wong had no direct involvement in the application, Members agreed that they could stay in the meeting.

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

[Ms Anita W.T. Ma arrived to join the meeting and Dr. W.K. Yau returned to join the meeting at this point.]

Presentation and Question Sessions

92. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
 - (i) the site was the subject of a previously approved application No. A/YL-MP/185 submitted by the current applicant for the same uses. Application for minor amendments to application No. A/YL-MP/185 was also approved by the Director of Planning. The approved scheme under application No. A/YL-MP/185 was valid until 21.10.2015. The wetland habitat at the wetland restoration area (WRA) under the approved scheme has been completed and site formation works for the residential portion were being carried out.
- (b) the proposed filling and excavation of land for house development with wetland habitat;
 - (i) the proposed scheme under the subject application involved the following amendments to the approved scheme:
 - increase in the number of houses and decrease in average flat size;
 - increase in the area of communal open space, communal landscape and private garden;
 - increase in mean site formation level as a means of flood prevention measure;
 - increase in the number of car parking spaces in accordance with the latest requirement in the Hong Kong Planning

Standards and Guidelines;

- reduction in gross floor area of the clubhouse;
 - extension of the basement access road system and common basement car park;
 - change in open space design;
- (ii) in view of the uncertain development programme of the planned Ngau Tam Mei Trunk Sewerage, a temporary on-site sewerage treatment plant (STP) was proposed as an interim mitigation measure in order to meet the anticipated completion date of the proposed development by 2017;
- (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 and the publication of the further information, a total of 278 public comments were received. The public comments were summarised below:
- (i) 103 objecting comments were received from members of the Yuen Long District Council, the San Tin Rural Committee, Villager Representatives of Mai Po Tsuen and Wo Shang Wai Tsuen, Chairman of the Owners' Committee of Royal Palms, an owner of Palm Springs, green groups, Hong Kong and China Gas Company Limited, villagers of Wing Ping Tsuen, Fan Tin Tsuen, San Lung Tsuen, Tsing Lung Tsuen, Tung Chan Wai, Chuk Yuen Tsuen and Lok Ma Chau Tsuen, and private individuals. They objected to the application mainly on the grounds that the proposed development would have adverse impacts on traffic, ecology, hygiene, environment, air, noise, dust and light pollution, sewerage,

drainage, flooding, conservation of wetland, visual, natural habitat, provision of recreational facilities, *fung shui*, and the nearby gas pipeline; and

- (ii) 175 supporting comments were received from individuals mainly on the grounds that the proposed development would restore the wetland and conserve the natural environment, which would not have significant adverse impacts. It was also compatible with the surrounding environment and could improve the local environment for the benefits of the neighbouring residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was in line with the planning intention of the “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” zone and conformed to the Outline Zoning Plan restrictions. Compared with the approved scheme, the proposed scheme had no change to the plot ratio and site coverage. Regarding the public comments objecting to the application, concerned government departments had no objection to or no adverse comment on the application.

93. In response to the Chairman's question on the major amendments to the approved scheme, Mr K.T. Ng, STP/FSYLE said that according to the proposed scheme, the number of houses had increased from 344 to 400 resulting in a change of the overall layout of the proposed development.

94. In response to a Member's question on the transitional arrangement of the development portion and the WRA proposed scheme, Mr K.T. Ng said that there was a clear delineation between the WRA and the development portion. At present, the wetland habitat of the WRA had been completed, and the Agriculture, Fisheries and Conservation Department had no adverse comment on its detailed design and implementation arrangement. Referring to the Landscape Master Plan submitted by the applicant, the Chairman said that the WRA comprised reeds, tall grass and shrubs, marsh shallow open water and deep open water as well as artificial islands providing a habitat for the birds.

95. A Member asked about the interface arrangement between the development portion and the WRA and asked whether a tree belt would be provided in between to create a buffer area to minimise any adverse noise and light impacts arising from the residential developments, enhance the ecological value of the WRA and create a habitat for forest birds. The Chairman said that according to the Landscape Master Plan and landscape section plan submitted by the applicant, there would be whips buffer planting within the WRA. The Member said that instead of whip planting, two to three layers of taller trees should be planted to provide a wider buffer area in order to screen off the noise and light pollution from the residential developments and to enhance the ecological value of the WRA.

96. In response to a Member's question on the blue features identified at the edge of the development portion, Mr K.T. Ng said that these features should be water bodies within the development portion.

Deliberation Session

97. The Chairman concluded Members' concern that more trees should be planted at the interface of the development portion and the WRA in order to create a wider buffer area and a habitat for the forest birds.

98. A Member said that an approval condition could be imposed to ensure the implementation of the tree belt. In response, whilst noting that an approval condition on the submission and implementation of a revised Landscape Master Plan had been recommended by PlanD, the Chairman said that an advisory clause could be added to advise the applicant to provide a tree belt at the interface of the development portion and the WRA, and to liaise with PlanD on the design and implementation details.

99. Mr K.F. Tang, Assistant Director (Environmental Assessment), Environmental Protection Department (EPD), said that while EPD had no objection to the revised Sewerage Impact Assessment submitted by the applicant, this should not pre-empt EPD's consideration of the applicant's future application for a variation to the Environmental Permit under the Environmental Impact Assessment Ordinance (EIAO) as there were changes to the layout of the approved scheme. The Chairman noted his concern and said that an advisory clause had been recommended to remind the applicant of the need to go through the statutory EIAO

process again.

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 a revised Master Layout Plan to take into account conditions (b) to (q) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the interface arrangement for the Express Rail Link (XRL) project in terms of the permanent land take for Express Rail Link tunnels and structures and temporary land take for related construction to the satisfaction of the Director of Highways or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Drainage Impact Assessment (DIA), including flood relief mitigation measures, to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) in relation to (d) above, the implementation of a drainage proposal and other necessary flood relief mitigation measures identified in the revised DIA to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the implementation of mitigation measures identified therein in the revised Ecological Impact Assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (g) the submission and implementation of a maintenance and management plan

which covers implementation details and the estimated annual recurrent costs with breakdown required for maintaining the restored wetland area to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;

- (h) the submission and implementation of a funding arrangement proposal for ensuring the long-term maintenance and management of the restored wetland area to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB;
- (i) as proposed by the applicant, land exchange and/or lease modification for the proposed development if considered and approved by the Director of Lands, should not be executed prior to the compliance with condition (h) to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB;
- (j) the design and provision of improvement measures at the junction of Palm Springs Boulevard and Castle Peak Road – Mai Po section to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the design and provision of the access connection between the development and the public road to the satisfaction of the Commissioner for Transport or of the TPB;
- (m) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (n) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers to the satisfaction of the Director of Planning or

of the TPB;

- (o) the submission of a revised Sewerage Impact Assessment (SIA) to the satisfaction of the Director of Environmental Protection or of the TPB;
- (p) the implementation of mitigation measures identified in the revised SIA to the satisfaction of the Director of Environmental Protection or of the TPB;
and
- (q) the implementation of sewage disposal arrangement including the interim on-site sewerage treatment plant, the reuse of treated effluent and the irrigation system, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB.”

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

- “(a) to note the suggestion of Members on the provision of a tree belt at the interface of the development portion and the wetland restoration area of the scheme to create a buffer area in between. As part of the Landscape Master Plan, the applicant should liaise with the Planning Department regarding the design and implementation of the tree belt;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (c) to note the comments of the District Lands Officer/Yuen Long, LandsD that with reference to Figure A3 of the Wetland Restoration and Creation Scheme, the Wetland Restoration Area boundary is modified. A proposed land exchange is being processed for the lots within the site based on the previous Application No. A/YL-MP/185. Should the TPB approve the application which cause amendments to the proposed land exchange, the applicant is required to apply to LandsD for the proposed development in current scheme. However, there is no guarantee that such application (including the granting of any additional government land (GL)) will be approved. Such application will be dealt with by his department acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including among others, the payment of premium and administrative fee as may be imposed by his department. The proposed storm water drain will connect to outfall beyond the site boundary. Should such drains encroach upon private land and GL, the applicant should clearly indicate the whole alignment of such storm water drain connection, in particular the one connecting the existing outfall to Mai Po Tributary, and then obtain prior approval/consent from the relevant authorities before carrying out of the works. According to the layout plan of the preliminary interim sewage system design, there is no GL involved. However, the applicant should consult his department if there is any works to be carried out on GL, if unavoidable;
- (d) to note the comments of the Director of Environmental Protection (DEP) that this is a revised residential development scheme different from the layout shown in the Environmental Permit No. EP-311/2008/D issued under the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499). The proposed on-site wastewater treatment does not conform with Condition 5.13 of the Environmental Permit. The applicant should be reminded to go through the statutory EIAO process should the current development scheme goes ahead;
- (e) to note the comments of the Commissioner for Transport that the applicant

should take account of the segregation of vehicles and pedestrian in the detailed design during submission of the general building plan stage. He has no objection to the proposed basement carpark but the Transport Department's comment will be provided at the detailed design stage;

- (f) to note the comments of the Chief Engineer/Railway Development, Railway Development Office, Highways Department that the site, in particular the site portion within Lot 43 S.A RP in D.D. 101, falls within the railway protection boundary of the Hong Kong Section of the XRL, which is now under construction. The applicant should consult MTR Corporation Limited on the full details of the proposal and comply with their requirements with respect to the construction, operation, maintenance and safety of the XRL;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD that the access road linking the site and the Castle Peak Road shall be completed before the Occupation Permit application. In view of the size of the site, any internal streets/roads required under the Buildings Ordinance (BO) s.16(1)(p) may have to be deducted from site area for plot ratio/site coverage calculations under the BO. Recreational facilities and the proposed noise barriers, unless exempted, are accountable for GFA calculation under the BO. Filtration plant rooms for swimming pool at private houses are accountable for GFA calculation under the BO. Each phase of the proposed development should be self-sustainable under the BO. The applicant's attention is drawn to the requirements on the provision of emergency vehicle access to all buildings to be erected on the site under Building (Planning) Regulations (B(P)R) 41D. The proposed open space should not be less than the requirements as stipulated in the second schedule of B(P)R. Application for exemption of carparking spaces from GFA calculation under the BO will be considered on the basis of the PNAP APP-2 during plan submission stage. The new quality and sustainable built environment (QBE) requirements are applicable to the site. In accordance with the Government's committed policy to implement building design to foster a QBE, the sustainable building design requirements

(including building separation, building setback and greenery coverage) should be included, where possible, in the planning approval;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that he would reserve his comments until specific drainage proposal is submitted. The applicant should be reminded that the SIA for the current application needs to meet the full satisfaction of DEP;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that regarding communal open space calculation, the applicant should be advised that the ancillary pedestrian route should be “within” the open space to be counted as part of the open space as per the Hong Kong Planning Standards and Guidelines (HKPSG). The applicant should maximize the provision of greening, especially at-grade tree and shrub planting along roadside and clubhouses to improve the landscape and visual amenity of the development;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicant may need to extend his 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. Fresh water from government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes may be given on concessionary supply basis if an alternative supply is impracticable and evidence to that effect is offered to and accepted by the Water Authority. Such permission will be withdrawn if in the opinion of the Water Authority the supply situation requires it; and
- (k) to note the comments of the Director of Electrical and Mechanical Services

that for electricity safety, the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For the site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the HKPSG published by PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. For town gas safety, there is a high pressure town gas pipeline running along San Tin Highway and the site is in close proximity to the existing high pressure gas pipeline. He considers that given the application is a low density residential development (i.e. plot ratio is 0.4) and the minimum proximity distance of the proposed houses to the concerned gas pipeline is about 150m, it should not be a mandatory requirement for the applicant to submit a risk assessment. Nevertheless, given that there is a town gas pipeline near to the proposed development, the project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum setback distance away from the gas pipes/gas installations if any excavation work is required during the design and construction stages of the development. The project proponent shall also note the requirements of the Electrical and Mechanical Services Department’s ‘Code of Practice on Avoiding Danger from Gas Pipes’.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/242 Proposed House Development with Minor Relaxation of Building Height Restriction from 6m to 6.6m, Filling of Pond/Land, and Excavation of Land in “Residential (Group D)” zone, Lots No. 3207 RP, 3209 RP, 3220 RP, 3221 RP, 3224 RP, 3225 S.A RP, 3225 S.C RP, 3225 RP, 3226 S.A RP, 3226 RP, 3228, 3229, 3230 RP, 3250 S.B ss.21 RP, 3250 S.B ss.33 S.B, 3250 S.B ss.40 S.A (Part), 3250 S.B ss.40 RP (Part) and 4658 RP (Part) in D.D. 104 and Adjoining Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/242)

102. The Secretary reported that the application was submitted by Glory Queen Ltd., which was a subsidiary of Henderson Land Development Co. Ltd. (HLD). The following Members have declared interests in this item:

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

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

- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong (CUHK) which received a donation from a family member of the Chairman of HLD;

- Professor S.C. Wong - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD;

- Mr H.F. Leung - being an employee of HKU which received a donation from a family member of the Chairman of HLD;

- Dr W.K. Yau - being the Chief Executive Officer of Tai Po

Environmental Association Ltd. which received a donation from HLD; and

Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which received a donation from a family member of the Chairman of HLD.

103. Members noted that Ms Janice W.M. Lai and Mr H.F. Leung had tendered apologies for being unable to attend the meeting and Mr Ivan C.S. Fu had not yet returned to the meeting. As the interests of Professor K.C. Chau, Professor S.C. Wong, Dr W.K. Yau and Mr Peter K.T. Yuen were indirect, Members agreed that they could stay in the meeting.

Presentation and Question Sessions

104. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
 - (i) the site was a subject of an approved application No. A/YL-MP/202 which was submitted by the current applicant for the same uses and the approved scheme was valid until 7.2.2018;
- (b) the proposed house development with minor relaxation of building height restriction from 6m to 6.6m, filling of pond/land, and excavation of land;
 - (i) the proposed scheme under the subject application involved the following amendments to the approved scheme:
 - increase in the height of the clubhouse and the area of private garden;
 - change in the layout and design of the proposed houses and its orientation (from facing northeastern-southwestern to

north-south direction);

- change in the design and form of the temporary sewage treatment plant, refuse collection room and E&M facility to accommodate the clubhouse so as to form an integrated structure;
- (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, 18 public comments were received. Of which, six comments from the San Tin Rural Committee, Yau Mei Sun Tsuen Welfare Committee, Fairview Park Owners’ Association, a member of Yuen Long District Council and individuals objected to the application mainly on the grounds of adverse visual, traffic and drainage impacts, insufficient infrastructure and recreational facilities, damaging to *fung shui*, and causing flooding, air pollution and ventilation problems. The remaining 12 comments from individuals supported the application mainly on the grounds of acceleration of redevelopment in the area, increase in residential housing supply, and upgrading the area in terms of environment, air quality, traffic aspects;
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was in line with the planning intention of the “Residential (Group D)” zone and conformed with the Outline Zoning Plan restrictions. Regarding the public comments objecting to the application, concerned government departments had no objection to or no adverse comment on the application.

105. The Chairman asked if the major variation to the approved scheme was the change in the layout and orientation of the proposed houses to north-south direction with an aim to achieving energy consumption. Mr K.T. Ng, STP/STN, answered in the affirmative.

The Chairman further asked the reason of increasing the height of the clubhouse. In response, Mr K.T. Ng said that the increase was due to the change of the clubhouse location which led to a change in the site formation level.

Deliberation Session

106. Mr K.C. Siu, Chief Traffic Engineer/New Territories East, Transport Department (TD), said that he had no objection to the application but advised that an additional approval condition on the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the Town Planning Board should be imposed. The Chairman noted that the said approval condition was not imposed under the previous application No. A/YL-MP/202 as TD had not made such a request then. The Chairman said that given the scale of the proposed development, it was appropriate to impose the said approval condition.

107. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 27.2.2019, 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 of a revised Drainage Impact Assessment including flood mitigation measures and the implementation of drainage proposal and other necessary flood mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) no pond/land filling on site shall be allowed until the flood mitigation measures have been implemented to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the submission of a revised Sewerage Impact Assessment and the implementation of sewerage treatment and disposal measures identified therein to the satisfaction of the Director of Environmental Protection or of

the TPB;

- (d) the submission of a revised Noise Impact Assessment and the implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission and implementation of a Landscape Master Plan and a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (f) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers and the external walls of the integrated structure comprising the sewage treatment plant, refuse collection room, Electrical and Mechanical rooms, and clubhouse to the satisfaction of the Director of Planning or of the TPB;
- (g) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (h) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.”

108. 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(s) of the site;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines and the relevant requirements under the lease, and that the proposed gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) and the

Lands Department (LandsD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by the BA and the Lands Authority and major changes to the current scheme are required, a fresh planning application to the TPB may be required;

- (c) to note the comments of the District Lands Officer/Yuen Long (DPO/TP), LandsD that the site area of 37,645m² should be subject to survey and verification by the applicant. However, there is no guarantee that the proposed government land (GL) of 6,770m² can definitely be granted for the proposed development. There is a revised rising main for sewer which will run outside the site along Kam Pok Road to eventually connect to the future proposed Ngau Tam Mei Pumping Station. Such rising main for sewer outside the site is proposed to be maintained by the future developer. A land exchange application based on the approved planning application No. A/YL-MP/202 for the site including additional GL has been proposed. Should the TPB approve the current application and which cause amendments to the proposed land exchange as applied before, the applicant is required to make a revised application to LandsD for the proposed development. However, there is no guarantee that such application (including the granting of any additional GL) will be approved. Such application will be dealt with by LandsD acting in the capacity as the landlord at his discretion, and if it is approved under such discretion, the approval would be subject to such terms and conditions including amongst others, the payment of premium and administrative fee as may be imposed by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that his department will not take up the maintenance responsibility of any sewerage facilities on public roads. Excavation permit should be obtained from his office prior to commencement of any excavation works on public roads maintained by his office. Agreement from DLO/YL, LandsD should be sought regarding works on GL other than public roads maintained by his office. All

proposed utilities should comply with the minimum cover requirement as stipulated in HyD Technical Circular 3/90;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any proposed drainage works outside the lot boundary before commencement of the drainage works;
- (f) to note the comments of the Director of Environmental Protection that the proposed development is a designated project under the Environmental Impact Assessment Ordinance (EIAO) (Cap. 499). The applicant will need to go through the statutory EIAO process;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should demonstrate the environmental acceptability of this project in the Environmental Impact Assessment report to be submitted in order to meet the relevant statutory requirements if the application is approved by the TPB;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that in view of the size of the site, internal street required under the Buildings Ordinance (BO) s16(1)(p) may have to be deducted from site area for plot ratio/site coverage calculations under the BO. Also, the internal access road/internal street should comply with Building (Private Streets and Access Roads) Regulations (B(PS&AR)R). The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. The area of the clubhouse is accountable for GFA under the BO, unless otherwise exempted. The area of the interim sewage treatment plant is accountable for GFA under the BO,

unless otherwise exempted. The provision of such sewage treatment plant is also subject to the comments from the Environmental Protection Department and DSD. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible, in the conditions in the planning approvals. The design of solid noise barriers should fulfil the building setback requirements set out in PNAP APP-152, if GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations) are claimed. There is no guarantee that the 10% non-accountable GFA could be attained under the BO. The eligible amount would be subject to the compliance with the new quality and sustainable built environment requirements and detailed examination at building plans submission stage. Application for exemption of carparking spaces from GFA calculation under the BO will be considered on the basis of the PNAP APP-2 during plan submission stage. Detailed comments will be provided at building plan submission stage;

- (i) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that Feature No. 2SE-C/CR284, which is located within the site boundary, may affect or be affected by the proposed development. Presumably, details of the investigation and/or assessment of the effects of the development on this feature, and vice versa, would be submitted in conjunction with the development proposal to the BA for processing; 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. 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 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 “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

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

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-ST/458 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot No. 682 S.C RP (Part) in D.D. 102 and Adjoining Government Land, Tsing Lung Tsuen, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/458)

109. The Secretary reported that on 30.1.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow sufficient time for preparation of responses to address the comments from the Commissioner for Transport. This was the applicant’s first request for deferment.

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

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

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/205 Proposed Temporary Shop and Services (Real Estate Agency and Retail Shop for Furniture and Pet Accessory) with Ancillary Office for a Period of 3 Years in "Village Type Development" zone, Lot No. 223 S.A (Part) in D.D. 112 and Adjoining Government Land, Yuen Long (RNTPC Paper No. A/YL-SK/205)

Presentation and Question Sessions

111. 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 temporary shop and services (real estate agency and retail shop for furniture and pet accessory) with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no

objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, one public comment was received from the Village Representative and villagers of Sheung Tsuen objecting to the application mainly on the grounds that the site was involved in unauthorised land filling activities; construction works commenced without valid planning approval; the concerned government land was illegally occupied; the proposed temporary use might cause flooding and risks to pedestrians; and the structures within the site might pose danger to the villagers during typhoon season; 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. Regarding the public comment, the scale of the operation for the proposed temporary use was relatively small and relevant government departments had no objection to or no adverse comment on the application.

112. Members had no question on the application.

Deliberation Session

113. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2018, 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. daily, 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) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (d) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2015;
- (e) in relation to (d) above, the implementation of a tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2015;
- (f) the implementation of the accepted landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2015;
- (g) 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 27.8.2015;
- (h) in relation to (g) 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 27.11.2015;
- (i) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2015;
- (j) in relation to (i) above, the provision of the FSIs within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2015;
- (k) the submission of a run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.8.2015;

- (l) in relation to (k) above, the implementation of the run-in proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 27.11.2015;
- (m) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (d), (e), (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land 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 (LandsD) that the site comprises an 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) 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 to Kam Sheung Road via GL. LandsD does not provide maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner concerned will still 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 Commissioner for Transport that there may be other lots currently using the run-in/out and their uses may be obstructed. Vehicles are not allowed to reverse into or out from the site and should not queue outside the lot boundary. No new vehicular access connecting Kam Sheung Road shall be constructed;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the proposed access arrangement of the site from Kam Sheung Road should be commented and approved by the Transport Department (TD). The proposed run-in will affect a HyD unregistered slope. If the proposed run-in is agreed by TD, the construction details of the run-in should be submitted to his office for approval. HyD is not responsible for the maintenance of the access connecting the site and Kam Sheung Road. The applicant shall ascertain that utility services at the run-in location can sustain the construction traffic load. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. Excavation Permit should be obtained from HyD prior to commencement of excavation works on public road/footpath which are maintained by HyD;
- (f) to note the comments of the Director of Environmental Protection that the applicant should 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 his department to minimise any potential environmental nuisances;
- (g) 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 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), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should clarify whether the proposed trees are planted at-grade or in a fixed planter with an open bottom for drainage use. The soil depth for tree planting should also be clarified;

- (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 a 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, 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 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; 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. Based on the cable plans and relevant drawings obtained, if there is an 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 contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

[The Chairman thanked Messrs K.T. Ng and Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members’ enquires. Messrs Ng and Yuen left the meeting at this point.]

Tuen Mun and Yuen Long West District

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Miss Jessica Y.C. Ho, Mr Vincent T.K. Lai, Mr K.C. Kan 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 26

Section 16 Application

[Open Meeting]

Proposed Amendment to the Approved So Kwun Wat Outline Zoning Plan No. S/TM-SKW/11

(RNTPC Paper No. 2/15)

115. With the aid of a PowerPoint presentation, Mr David C.M. Lam, DPO/TMYLW, and Miss Jessica Y.C. Ho, STP/TMYLW, presented the proposed amendment to the Approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/11 as detailed in the Paper and covered the following main points:

Background

- (a) according to the 2013 Policy Address, the Government would adopt a multi-pronged approach to build up land reserve with a view to meeting housing and other development needs. It was reaffirmed in the 2014 Policy Address that the Government would continue to review various land uses and rezone sites as appropriate for residential use;
- (b) the Government had taken steps to review the “Green Belt” (“GB”) sites in two stages. The Stage 1 review mainly focused on the “GB” sites which had been devegetated, deserted or formed and did not require extensive tree felling or slope cutting. The Stage 2 review covered the remaining “GB” sites which were located on the fringe of urban or new development areas with a relatively lower buffer or conservation value, including those sites

which were close to existing developed areas or public roads as they were close to transport infrastructure and supporting facilities. Based on this, a site zoned “GB” to the west of Kwun Fat Street in So Kwun Wat was identified as suitable for housing development;

Proposed Amendment

- (c) the site (about 0.63 ha), which was elongated in shape, was bounded by Tuen Mun Road to the north, Castle Peak Road – Tai Lam to the south, Siu Sau Village to the west and Kwun Fat Street to the east;
- (d) the site was proposed to be rezoned from “GB” to “Residential (Group B)2” for housing development. To maximise the development potential of the site, a plot ratio (PR) of 3.6 was proposed, which was equivalent to the maximum PR of 3 in Tuen Mun East with a 20% increase. The proposed development parameters were as follows:

Rezoning Area	: 6.03ha (about)
Development Site Area	: 3.38ha (about)
Maximum PR	: 3.6
Maximum Building Height	: 80mPD
Estimated No. of Flats	: 2,000 (about)

Technical Assessments

- (e) a preliminary technical review for the proposed amendment had been conducted and the findings concluded that the proposed amendment would not cause insurmountable problems on traffic and infrastructural capacity as well as on environmental aspect. The future developer(s) would be required to conduct the necessary impact assessments under the lease and to implement the mitigation measures identified in the assessments;

Provision of Government, Institution and Community (GIC) Facilities and Open Space in So Kwun Wat Area

- (f) the planned population of So Kwun Wat would not reach a level that would warrant the provision of GIC facilities and open space. The provision of GIC facilities in the Tuen Mun District would also meet the GIC demand of the So Kwun Wat population;

Public Consultation

- (g) on 6.1.2015, the Tuen Mun District Council (TMDC) was consulted and members generally had no objection to the proposed amendment but expressed concerns on the traffic impact to be generated by the proposal;
- (h) on 7.2.2015, a consultation meeting with the local residents was organized by a TMDC member, and there were concerns on the insufficient transport, infrastructure and community facilities in Tuen Mun East and that any increase in population would worsen the situation; and
- (i) TMDC would be consulted again on the proposed amendment during the statutory exhibition period of the draft So Kwun Wat OZP No. S/TM-SKW/11A.

116. A Member referred to the second photo of Plan 4c of the Paper and enquired on the location of the slope area, Mr David C.M. Lam, DPO/TMYLW, said that the slope was a cut slope located to the west of the existing petrol filling station. The Member further asked if the future housing development would be situated on top of the man-made slope. The Chairman confirmed the Member's understanding that the rezoning site was not the actual development site but to simply indicate the planning intention of the area for residential development. Mr David C.M. Lam further explained that the development portion of the rezoning site had excluded the slope area, area reserved for junction improvement works and road embankments.

117. In response to a Member's question on the access arrangement of the proposed housing development, Mr David C.M. Lam said that two access roads would be provided.

First, a residential site located to the west of the rezoning site would implement a road improvement scheme which could allow the provision of an access road to the proposed housing development. Second, there was an existing sub-standard access road leading to Siu Lam San Tsuen (i.e. the eastern part of the rezoning site) from Castle Peak Road which could be upgraded to serve as another access road for the proposed housing development. Initially, relevant government departments had no objection to or no adverse comment on the proposed access arrangement.

118. A Member asked DPO/TMYLW for more information on nature conservation within the rezoning site. Mr David C.M. Lam said that the eastern part of the rezoning site was currently occupied by existing residential dwellings or temporary structures and limited trees were identified; while most of the central part of the rezoning site had already been formed. Comparatively, the western part of the rezoning site contained more trees, and a tree survey had been conducted. No registered Old and Valuable Tree was recorded in the tree survey.

119. A Member asked if the existing petrol filling station could be relocated elsewhere to create a better configuration for the rezoning site; and the current use of a piece of formed land located to the north of the rezoning site. In response, Mr David C.M. Lam said that the petrol filling station was currently serving in the area. It fell within a private land, and it would be quite complicated and difficult to resume the piece of land for private residential development. In addition, the petrol filling station was segregated from the proposed housing development by the retaining structure behind it. Regarding the piece of formed land, it was currently zoned as "Village Type Development" which fell within the approved Tuen Mun Outline Zoning Plan No. S/TM/33.

120. A Member said that the proposed cycle track alignment crossing over the site might pose constraints to the layout design of the proposed housing development. In response, Mr David C.M. Lam said that the Government had conducted a preliminary study to investigate the construction of a cycle track to link up the existing cycle tracks in Tsuen Wan and Tuen Mun, which had initially identified the alignment of the proposed cycle track. As such, some land was reserved to allow flexibility for the future cycle track development. In addition, the proposed cycle track alignment had been excluded from the development portion which would be disposed of as a land sale site. Notwithstanding this, as

demonstrated by the schematic layout conducted by the Planning Department, the development portion was sizable enough to allow flexibility for the layout design of the future housing development.

121. After deliberation, the Committee decided to:

- “(a) agree that the proposed amendments to the approved So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/11 and the draft So Kwun Wat OZP No. S/TM-SKW/11A at Attachment II of the Paper (to be renumbered as S/TM-SKW/12 upon exhibition) and its Notes at Attachment III of the Paper are suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft So Kwun Wat OZP No. S/TM-SKW/11A as an expression of the planning intention and objectives of the Town Planning Board for various land use zones on the Plan and agree that the revised ES is suitable for exhibition together with the OZP.”

122. Members noted that, as a general practice, the Secretariat of the Town Planning Board (TPB) would undertake detailed checking and refinement of the draft Outline Zoning Plan including the Notes and Explanatory Statement, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the TPB’s consideration.

Agenda Items 27 – 30

Section 16 Applications

[Open Meeting]

A/TM/458 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and ‘Road’ zones, Lots No. 538 S.E. ss.1 & 538 S.E. RP in D.D.130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458C to 461C)

A/TM/459 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and ‘Road’ zones, Lots No. 538 S.H ss.1 & 538 S.H RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458C to 461C)

A/TM/460 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and ‘Road’ zones, Lots No. 538 S.I ss.1 & 538 S.I RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458C to 461C)

A/TM/461 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and ‘Road’ zones, Lots No. 538 S.J ss.1 & 538 S.J RP in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/458C to 461C)

123. The Committee noted that the four applications were similar in nature and the sites were located in close proximity to one another and within the same “Village Type Development” zone. The Committee agreed that the applications should be considered together.

124. The Secretary reported that on 4.2.2015, the applicants had requested for deferment of the consideration of the applications for two months in order to allow more time to complete the Environmental Assessment (EA) to address the concerns raised by the Environmental Protection Department (EPD). The applicants indicated that their consultant of the EA had already conducted the on-site air quality and traffic noise measurement. However, the consultant needed to compare with the air quality parameters measured by EPD’s Air Quality Monitoring Stations at Tuen Mun and Yuen Long which would only be available in end February 2015 in order to finalise the report. This was the applicants’ fourth request for deferment.

125. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants was not substantial and

could be processed within a shorter time, the applications could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the fourth deferment and a total of eight months had been allowed, this would be the last deferment and no further deferment would be granted.

Agenda Item 31

Section 16 Application

[Open Meeting]

A/TM/468

Proposed Minor Relaxation of Maximum Domestic Gross Floor Area for permitted Residential Development in "Residential (Group B) 19" zone, 5 Lok Yi Street, So Kwun Wat, Tuen Mun
(RNTPC Paper No. A/TM/468)

126. The Secretary reported that Spence Robinson LT Ltd. (Spence Robinson) was one of the consultants of the applicant. Ms Janice W.M. Lai, who had current business dealings with Spence Robinson, had declared an interest in this item. Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

127. The Secretary reported that on 13.2.2015, the applicant had requested for deferment of the consideration of the application for a period of two months in order to allow time for preparation of further information to address the comments of relevant government departments. This was the applicant's first request for deferment.

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

information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/935 Temporary Open Storage of Containers, Logistics Centre and Warehouse for a Period of 3 Years in “Comprehensive Development Area” zone, Lots No. 80 (Part), 89 (Part), 90 (Part), 91 (Part) and 92 (Part) in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/935)

129. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse owned two pieces of land in Ha Tsuen which were near the site. Members noted that Ms Janice W.M. Lai had tendered apologies for being unable to attend the meeting.

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

Presentation and Question Sessions

130. 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 open storage of containers, logistics centre and warehouse for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were sensitive uses in

the vicinity of the site and along the access road, and environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; 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 12 of the Paper. Although DEP did not support the application, there was not any environmental complaint against the site over the past three years. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions on the restrictions of operation hours and workshop activities were recommended.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2018, 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., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, cleansing, melting, dismantling or any other workshop activity is allowed to be carried out on the site at any time during the planning approval period;
- (d) the existing fencing on the site shall be maintained at all times during the

planning approval period;

- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the stacking height of containers stored on the site should not exceed 8 units at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 27.5.2015;
- (i) the submission of 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 27.8.2015;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2015;
- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.4.2015;
- (l) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2015;
- (m) in relation to (l) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction of the

Director of Fire Services or of the TPB by 27.11.2015;

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

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

- “(a) the planning permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the development on the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of

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

- (e) 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 should be provided within the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to nearby public roads and drains. His department shall not be responsible for the maintenance of any vehicular access between the site and Ping Ha Road.
- (h) To note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that according to the aerial photo dated April 2014, it is noted that the size of the temporary structure is larger than that stated in the Landscape Proposal submitted. Partial of proposed tree planting poses potential conflict to the temporary structure. Hence, an updated proposal should be submitted;
- (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 FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly

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

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including offices and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

the construction, operation and maintenance of the insider services within the private lots to WSD's standard. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant.”

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/293 Temporary Open Storage of Containers for Storage of Construction Materials for a Period of 3 Years in “Village Type Development” zone, Lot No. 3870 in D.D. 124, Shun Tat Street, Tuen Mun
(RNTPC Paper No. A/TM-LTYYY/293)

134. Mr David C.M. Lam, DPO/TMYLW, reported that on 24.2.2015, after issuance of the Paper, the applicant wrote to the Town Planning Board (TPB) for deferment of consideration of the application to the next Committee meeting on 17.3.2015. The letter from the applicant was tabled at the meeting for Members' consideration. The applicant stated that since comments from the Director of Environmental Protection and the Assistant Commissioner for Transport/New Territories were received on 12.2.2015, more time was required to prepare additional information to address departments' concerns. This was the first time that the applicant requested for deferment. The Committee might consider to accede to the applicant's request for deferment of a decision to the next Committee meeting, subject to when the applicant would submit the further information, the nature of the further information to be submitted, and sufficient time being allowed for departmental circulation of the future information and for government departments to provide their comments. Should the Committee consider that a deferment was not warranted, it might proceed with the consideration as planned.

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

135. The Chairman asked if the application was subject to planning enforcement action against unauthorised development. In response, Mr David C.M. Lam said that Enforcement Notices (ENs) were issued in 2014 to the concerned parties requiring

discontinuance of the unauthorised development at the site. Since the unauthorised development had not been discontinued upon expiry of the ENs, the notice recipients were subject to prosecution.

136. A Member asked if the Committee agreed to the subject deferral request, whether the same approach would be adopted for future similar applications requesting for deferment of a decision after issuance of the Paper.

137. The Secretary said in considering requests for deferment of a decision, the Committee needed to consider if the justifications for deferment met the criteria as set out in the Town Planning Board Guidelines No. 33 on Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance, i.e. reasonable grounds must be provided to support the request, the proposed deferment period should not be indefinite, and whether the right or interest of other concerned parties would be affected.

138. The Chairman asked if there were any precedent cases for approving deferment of consideration of an application that involved unauthorized development, as such approval might affect the interest of the third party. In response, Mr David C.M. Lam said that the Planning Department (PlanD)'s prosecution work was currently in progress and would continue even though a section 16 application or an application for deferment of a decision was submitted. The prosecution work and the consideration of the application should be handled separately.

[Mr K.F. Tang left the meeting temporarily at this point.]

139. A Member said that there was increasing number of similar applications requesting for deferment of a decision after issuance of the Paper and considered that this might have an adverse impact on the operation of the TPB.

Deliberation Session

140. A Member said that if there were strong and reasonable grounds for the deferment of a decision, he would have no in-principle objection to grant the approval.

However, it was considered undesirable if the late request for deferment of a decision had become the norm. The Chairman concurred and asked if a more stringent or lenient approach should be adopted in handling such deferral cases, and whether the deadline of receiving the deferral request should hinge on the issuance date of the Paper.

141. A Member agreed that approval could be granted to the deferment of a decision only if it had reasonable grounds to support the late request. On the other hand, it was considered inappropriate to set a deadline for receiving the deferral request, as some of the further information provided might be able to facilitate the Committee's discussion and consideration of the application. Another Member concurred and said that if a stringent approach was to be adopted, the applicant would not be able to submit further information that might be useful in the consideration of the case.

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

142. The Chairman concluded that no deadline would be set for receiving requests for deferment of consideration of application and the Committee would accede to the requests only if there were reasonable grounds to support the requests. For the subject case, should the Committee accede to the applicant's request, DPO/TMYLW should urge the applicant to submit the further information as early as possible for the Committee's consideration.

143. After further 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 at the next meeting on 13.3.2015, subject to the nature of the further information to be submitted, and sufficient time being allowed for departmental circulation of the further information and for government departments to provide their comments. The Committee also agreed to advise the applicant that time had been allowed for the preparation of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/463 Proposed Temporary Public Vehicle Park (Private Cars) for a Period of
3 Years in “Village Type Development” zone, Lots No. 44, 72, 73
(Part) in D.D. 122 and Adjoining Government Land, Ha Mei San
Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/463A)

Presentation and Question Sessions

144. 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 proposed temporary public vehicle park (private cars) 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 and the publication of the further information, no public comment was received; 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.

145. Members had no question on the application.

Deliberation Session

146. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2018, 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, as proposed by the applicant, 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 queuing back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) 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 27.8.2015;
- (h) in relation to (g) 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 27.11.2015;

- (i) in relation to (h) above, the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (j) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2015;
- (k) in relation to (j) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2015;
- (l) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.8.2015;
- (m) in relation to (l) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.11.2015;
- (n) the provision of a boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 27.5.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (h), (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and

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

147. 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(s) of the site and the access;
- (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’s (BA) 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’s (LandsD) that no structures are allowed to be erected without prior approval from 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 through an informal village track on GL and private land extended from Ha Mei San Tsuen Road. His Office does not provide maintenance works for such track nor guarantee right-of-way. The owners concerned will need to apply to his Office to permit structures to be erected or regularize any irregularities on the 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 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 note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as 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 Assistant Commissioner for Transport/New Territories, Transport Department (TD) that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under TD'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 that the proposed access arrangement of the site from Ha Mei San Tsuen Road should be commented and approved

by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage to the south-east of the site as shown on Drawing HMST-03-14 Ver. F of the Paper for this application are of 1,350 mm and 900 mm diameter pipes. However, the same drainage on a drainage plan prepared by the same drainage consultant for other developments to the south-east of the site is indicated as 1 m × 1 m underground channel. The applicant is required to clarify and provide relevant supporting documents, including but not limited to construction records for reference. His Division does not have any installation in the vicinity of the site. For proposed connection to the existing drainage facilities outside the site, the applicant should obtain consent from the District Officer (Yuen Long), Home Affairs Department for public drain maintained by them or relevant private lot owners for private installation;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, FSIs are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for requisition of cable plans and overhead line alignment drawings, where applicable, to find out whether there is any underground electricity cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/472 Renewal of Planning Approval for Temporary Rural Communal Public Vehicle Park (Private Cars, 5.5 Tonnes Goods Vehicles, Coaches and 24 Tonnes Goods Vehicles) for a Period of 3 Years in "Village Type Development" zone, Lots 429, 431(Part), 436(Part), 437(Part), 438 S.A(Part), 446(Part), 447(Part) and 449 R.P.(Part) in D.D. 122, Hang Mei Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/472)

Presentation and Question Sessions

148. 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 rural communal public vehicle park (private cars, 5.5 tonnes goods vehicles, coaches and 24 tonnes goods vehicles) for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as the proposed development involved traffic of heavy vehicles, and there were sensitive receivers of residential uses within 100m from the site boundary or such traffic was expected to travel along access road. The nearest residential development was adjacent to the eastern and northern boundaries of the site. Environmental nuisance was expected. Other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 1 year instead of 3 years sought based on the assessments set out in paragraph 12 of the Paper. The application was generally in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development as there was no material change in planning circumstances since the previous approval was granted; adverse planning implications arising from the renewal of the planning approval were not envisaged; and all conditions under the previous approval had been complied with. Although DEP did not support the application, there was no environmental complaint received from 2012 to 2014. To address DEP's concern, a shorter approval period of 1 year, instead of 3 years sought, was recommended to closely monitor the situation on-site, and an approval condition on operation hours was recommended to minimize the potential environmental nuisance on the nearby residential dwellings.

149. Members had no question on the application.

Deliberation Session

150. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years sought, from 8.3.2015 to until 7.3.2016, 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, buses (coaches), and goods vehicles not exceeding 24 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, 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, buses (coaches), and goods vehicles not exceeding 24 tonnes 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) the adherence to the parking layout, as proposed by the applicant, at all times during the planning approval period;
- (g) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (h) the maintenance of a boundary fencing on the site at all times during the planning approval period;
- (i) the maintenance of paving on the site at all times during the planning approval period;
- (j) the maintenance of existing trees on the site at all times during the planning approval period;
- (k) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (l) the submission of record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.6.2015;
- (m) the submission of a fire service installations (FSIs) proposal within 3 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 8.6.2015;
- (n) in relation to (l) above, the implementation of the FSIs 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 8.9.2015;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i), (j) 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 (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect

and shall be revoked immediately 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.”

151. 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) that the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such structures not covered by the permission;
- (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 under which no structures are allowed to be erected without prior approval from his office. The site is accessible through an informal track on government land and other private land extended from Tsui Sing Road and Ping Ha Road. His office does not provide maintenance works for such track nor guarantee any right-of-way. The owners concerned will need to apply to his office to permit the 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 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 the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of 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;

- (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 Assistant Commissioner for Transport/New Territories, Transport Department (TD) that the local track leading to the site is not under TD'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 Director of Fire Services that in consideration of the design/nature of the proposal, 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 FSI 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; and
- (h) to note the comments of the Director of Food and Environmental Hygiene that the works shall not cause any environmental nuisance to the surrounding.”

Agenda Item 36

Section 12A Application

[Open Meeting]

Y/YL-TYST/4 Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, To rezone the application site from “Green Belt”, “Residential (Group B) 1”, “Residential (Group C)”, “Residential (Group D)” to “Government, Institution or Community”, Lot 1829 S.A RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/4)

152. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) was one of the consultants of the applicant. Mr Ivan C.S. Fu, Ms Janice W.M. Lai (黎慧雯女士) and Professor S.C. Wong, who had current business dealings with AECOM, had declared interests in this item.

153. Members noted that Ms Janice W.M. Lai had tendered apologies for being unable

to attend the meeting. Members also noted that the applicant had requested for a deferral of consideration of the application and agreed that Mr Ivan C.S. Fu and Professor S.C. Wong could stay in the meeting.

154. The Secretary reported that on 11.2.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow more time to address the comments from the Secretary for Education. The applicant explained that a meeting with the Education Bureau had been scheduled on 24.2.2015 to discuss issues including policy support, curriculum and school operator which would have implications on the layout and design of the development and hence, consequential updates and refinements to the relevant technical assessments taking into account the outcome of the meeting would be required. This was the applicant's third request for deferment.

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/345 Proposed Temporary Shop for Selling Decoration Material for a Period of 3 Years in "Agriculture" zone, Lot No.1940 (Part) in D.D. 118 and Adjoining Government Land, Sung Shan New Village, Yuen Long (RNTPC Paper No. A/YL-TT/345)

Presentation and Question Sessions

156. 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 shop for selling decoration material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Environmental Protection did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation did not support the application as the site possessed high potential for agricultural rehabilitation in terms of green house or plant nursery;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application as approval of the application might set an undesirable precedent of spreading undesirable land use in the “Agriculture” (“AGR”) zone and thus erode the rural landscape character;
 - (iv) the Chief Engineer/Mainland North, Drainage Services Department did not accept the drainage proposal and the applicant had yet to demonstrate that the proposed development would not generate adverse drainage impact on the adjacent areas;
 - (v) other concerned government departments had no objection to or no

adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments objecting to the application was received from a Yuen Long District Council (YLDC) Member and Designing Hong Kong Limited. The YLDC member suggested that an approval condition requiring the applicant to apply for Short Term Waiver from the relevant District Lands Office within one month from the date of planning approval should be imposed should the application be approved. Designing Hong Kong Limited raised concerns on the application and considered that the site should be conserved for agricultural use and that the proposed development should not result in paving of the ground or any permanent construction or pollution; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and was incompatible with the surrounding areas which were predominantly rural in character. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The applicant also failed to demonstrate that the proposed development would not cause adverse environmental, landscape and drainage impacts to the surrounding areas. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone. The cumulative effect of approving the application would result in a general degradation of the rural environment of the area.

157. The Chairman said that there open storages of converted containers and construction materials in the proximity to the site as shown on Plan A-2 of the Paper and asked if these uses were existing uses or unauthorised developments. In response, Mr David C.M. Lam, DPO/TMYLW, said that the said open storage uses might be unauthorised developments as they were different from those existing at the time the draft Tai Tong Development Permission Area Plan was first gazetted in 1991. He further said that no

application for open storage use within the subject “AGR” zone had so far been approved, and a few applications for review were being processed.

158. A Member said that bamboo scaffolds were built to fence off the site as shown on Plan A-4b of the Paper and asked the existing use of the site. In response, Ms Bonita K.K. Ho, STP/TMYLW, said that during their first site visit, the site was used as an open storage for construction materials. Another site visit was conducted the week before the meeting and the site was found to be cleared and was currently vacant. The Member said that the site might involve unauthorised development requiring enforcement action. In response, Ms Bonita K.K. Ho said that the site was currently subject to planning enforcement action, and an Enforcement Notice had been issued.

Deliberation Session

159. 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 development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/346 Temporary Open Storage of Construction Materials with Ancillary Office for a Period of 3 Years in “Agriculture” zone, Lot No. 1427 (Part) in D.D. 118, Tai Shu Ha Road West, Tai Tong, Yuen Long (RNTPC Paper No. A/YL-TT/346)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Environmental Protection did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation did not support the application as the site possessed high potential for agricultural rehabilitation;
 - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had some reservation on the application as approval of the application might set an undesirable precedent of

spreading open storages and workshops outside the “Open Storage” zone and thus erode the rural landscape character. Moreover, the landscape proposal did not provide adequate green buffer to the surrounding areas;

- (iv) the Chief Engineer/Mainland North, Drainage Services Department did not accept the drainage proposal and the applicant had yet to demonstrate that the proposed development would not generate adverse drainage impact on the adjacent areas;
 - (v) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment objecting to the application was received from Designing Hong Kong Limited mainly on the grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; the supply of agricultural land should be safeguarded; new open storage use should not be permitted; and approval of the application and its subsequent renewal would make it difficult to use the site for other more suitable use; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and was incompatible with the surrounding land uses which were predominantly rural in character. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis. The application did not comply with Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous approval granted at the site for open storage use and there were adverse comments from the relevant government departments against the application. The approval of the application, even

on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation to the surrounding rural environment.

161. In response to a Member’s question, Ms Bonita K.K. Ho, STP/TMYLW, said that the site was currently subject to planning enforcement action against an unauthorised development involving storage use and an Enforcement Notice (EN) had been issued. The Member further asked if the unauthorised development on the site and the issuance of the EN would be taken into account when considering the application. In response, the Chairman said that the Committee should consider the application on individual merits from land use planning perspective. If the application was to be approved, the storage use would no longer constituted unauthorized development under the Town Planning Ordinance. On the other hand, the EN would be still in effect if the application was to be disapproved.

162. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board (TPB) Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there is no previous planning

approval granted to the site and there are adverse departmental comments against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-TT/347 Temporary Eating Place with Ancillary Storage for a Period of 3 Years in “Open Storage” and “Village Type Development” zones, Lots No. 1259 S.C (Part), 1259 RP (Part) in D.D. 117 and Adjoining Government Land, Tai Tong Shan Road, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/347)

164. The Secretary reported that on 12.2.2015, the applicant requested for deferment of the consideration of the application for a period of two months in order to allow time for preparation of further information to address the departmental comments received. This was the applicant’s first request for deferment.

165. 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 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/348 Temporary Open Storage of Construction Materials and Miscellaneous
Items for a Period of 3 Years in "Agriculture" zone, Lot No. 1922
(Part) in D.D. 118, Sung Shan New Village, Yuen Long
(RNTPC Paper No. A/YL-TT/348)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials and miscellaneous items for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Major departmental comments were summarised below:
 - (i) the Director of Environmental Protection did not support the application as there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected;
 - (ii) the Director of Agriculture, Fisheries and Conservation was not in

favour of this application as the site possessed potential for agricultural rehabilitation;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) had reservation on the application as approval of the application might set an undesirable precedent of spreading undesirable land use in the “Agriculture” (“AGR”) zone and thus erode the rural landscape character;
 - (iv) other concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the World Wide Fund for Nature Hong Kong (WWFHK), 元朗崇山新村居民協會有限公司 and Designing Hong Kong Limited. WWFHK objected to the application and suspected that the site had already been occupied and in operation for the applied use. Moreover, approval of the application would set an undesirable precedent for similar cases and the cumulative impact would induce further degradation of the “AGR” zone. 元朗崇山新村居民協會有限公司 raised objection to the application on the ground of road safety. Designing Hong Kong Limited also objected to the application and considered that the applied use was not in line with the “AGR” zone; the supply of agricultural land should be safeguarded; new open storage uses should not be permitted; and approval of the application and its subsequent renewal would make it difficult to use the site for other more suitable uses; and
- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone and was incompatible with the surrounding land uses which were predominantly rural in character. No strong planning justification had been given in the submission for a departure from the planning intention,

even on a temporary basis. The application did not comply with the Town Planning Board Guidelines No. 13E for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there was no previous approval granted at the site for open storage use and there were adverse comments from relevant government departments and local objections against the application. The applicant also failed to demonstrate that the proposed development would not cause adverse environmental, landscape and drainage impacts to the surrounding areas. Approval of the application would set an undesirable precedent for other similar applications and the cumulative impacts of approving such applications would result in a general degradation of the environment of the area.

167. Members had no question on the application.

Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development under application does not comply with the Town Planning Board (TPB) Guidelines No. 13E (TPB PG-No.13E) for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance in that there is no previous planning approval granted to the site and there are adverse departmental comments

against the application;

- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/715 Temporary Warehouse for Storage of Adblue for a Period of 3 Years in
“Undetermined” zone, Lots No. 772 (Part) and 774 (Part) in D.D. 119,
Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/715)

Presentation and Question Sessions

169. 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 warehouse for storage of Adblue 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 in the vicinity of the site, and environmental nuisance was

expected. Other concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received; 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 DEP did not support the application, the development was mainly for storage purpose within an enclosed warehouse structure and the residential structure was buffered by another warehouse to its immediate north. There was also no substantiated environmental complaint concerning the site received in the past three years. To address DEP's concern, approval conditions restricting the operation hours and the type of vehicles used and prohibiting the carrying out of workshop activities within the site were recommended.

170. Members had no question on the application.

Deliberation Session

171. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 27.2.2018, 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., 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 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, are allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to the public road and no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) 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 27.8.2015;
- (g) in relation to (f) 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 27.11.2015;
- (h) in relation to (g) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (i) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.8.2015;
- (j) in relation to (i) above, the implementation of the FSIs proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.11.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) 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;
- (l) if any of the above planning conditions (f), (g), (i) or (j) is not complied

with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) no processing and transfer of Adblue from tank to tank or other containers shall be carried out on the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lots within the site are Old Schedule Agriculture Lots held under the Block Government Lease under which no structures are allowed to be erected without prior approval of his office. Should planning approval be given to the application, the lot owners will need to apply to his office to permit any structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application(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. The site is accessible through an informal village track on government land (GL) and private land extended from Kung Um Road. His office does not provide maintenance works for such track nor guarantee any right-of-way;

- (e) to note the comments of the Commissioner for Transport 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 and no parking of vehicles on public road is allowed;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his office shall not be responsible for the maintenance of any access connecting the site and Kung Um Road. Also, adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains;
- (g) to note the comments of the Director of Environmental Protection that all wastewaters from the site shall comply with the requirements in the Water Pollution Control Ordinance. The applicant is also advised 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;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Annex I of Appendix Ia and Drawing A-3 of the Paper). The applicant should consider providing surface channel at the northern side of the site. The proposed discharging surface channel (i.e. 300mm u-channel) appears to be located within private lots. The applicant should consider to have the channel on GL; otherwise, the applicant should provide justification to demonstrate that written consents from the relevant lot owners for the proposed drainage works have been obtained. Also, the existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan and the relevant connection details should be provided for comment. Cross sections across the entire site

showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given and standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. 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 areas, etc. and the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before the commencement of the drainage works;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, 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 and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (j) 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 structure existing at the site. 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 the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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 B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (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; (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 contractors when carrying out works in the vicinity of the electricity supply lines.”

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

Agenda Item 42

Any Other Business

173. There being no other business, the meeting closed at 6:30 p.m.