

TOWN PLANNING BOARD

Minutes of 529th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 13.3.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr David Y.T. Lui

Mr Philip S.L. Kan

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

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

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

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

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

Secretary

Absent with Apologies

Professor Eddie C.M. Hui

Professor K.C. Chau

Mr Peter K.T. Yuen

In Attendance

Assistant Director of Planning/Board
Miss Fiona Lung Siu Yuk

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

Town Planner/Town Planning Board
Ms Vienna Y.K. Tong

1. The Chairman extended a welcome to Mr Philip S.L. Kan for his first attendance at the meeting.

Agenda Item 1

Confirmation of the Draft Minutes of the 528th RNTPC Meeting held on 27.2.2015

[Open Meeting]

2. The draft minutes of the 528th RNTPC meeting held on 27.2.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/26 Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/29, Propose to amend the Notes of the “Other Specified Uses (Amenity Area)” to include the use of “People Mover (Escalators/Lifts)” in Column 1, The eastern part of STTL No. 311, 1 Pai Tau Street, Sha Tin
(RNTPC Paper No. Y/ST/26)

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

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|---------------------|--|
| Mr Ivan C.S. Fu | - having current business dealings with Masterplan and AECOM |
| Ms Janice W.M. Lai | - having current business dealings with ACLA and AECOM |
| Professor S.C. Wong | - having current business dealings with AECOM and being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong (HKU) where AECOM had sponsored some activities of the Department |

5. Mr Lincoln L.H. Huang had declared an interest in this item as his ancestors were buried at Po Fook Hill Columbarium. The Committee noted that Mr Ivan C.S. Fu had not yet arrived at the meeting, Ms Janice W.M. Lai and Professor S.C. Wong had no involvement in the application, and Mr Huang's interest was indirect, and agreed that they should be allowed to stay in the meeting.

Presentation and Question Sessions

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

Mr Ian Brownlee
Ms Cynthia Chan
Mr Ivan Lo
Mr F.W. Leung
Mr Louis Chao
Mr Kelvin Leung

7. The Chairman extended a welcome and explained the procedure of the hearing. He then invited DPO/STN, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr C.K. Tsang, STP/STN presented the application and

covered the following aspects as detailed in the Paper:

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

The Proposal

- (a) the applicant proposed to amend the notes of “Other Specified Uses (Amenity Area)” (“OU(Amenity Area)”) on the draft Sha Tin Outline Zoning Plan (OZP) No. S/ST/29 by including ‘People Mover (Escalators/Lifts)’ in Column 1 to allow the construction of additional escalators at the site for access to the adjoining Po Fook Hill Columbarium in the upper hill area;
- (b) the site currently was provided with a system of escalators, two staircases and a lift. The applicant proposed an additional set of escalators such that there would be one set of escalators and staircases independently serving the uphill and downhill pedestrian movement at the same time. The proposed operation hours of the escalators would be consistent with that of the columbarium (i.e. 8:45 a.m. to 6 p.m. daily, extended on festivals);
- (c) as there was no provision for people mover (escalators/lifts) under the current “OU(Amenity Area)” zone, the applicant submitted the rezoning application. According to the proposed Notes of the “OU(Amenity Area)” zone, ‘People Mover (Escalators/Lifts)’ was Column 1 use and would be always permitted;
- (d) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Background

- (e) the site was located to the southeast of Po Fook Hill. It was primarily zoned “Commercial” (“C”) (with a small portion zoned “V”) on the Sha Tin OZP since June 1986. A major portion of the site was occupied by a

landscape slope, an inclined elevator, escalators, a park, a footpath, an ancillary electricity sub-station and vehicle parking spaces. The site was the 'Hatched Black Area' (HBA) under the lease (STTL 311) of Po Fook Hill granted in 1986. The HBA was for provision of open space, parking and manoeuvring spaces for coaches, footpath and landscaping area. In 1993, a licence was granted for construction, use and maintenance of escalators in the site for a term of 3 years and thereafter yearly;

- (f) to reflect the then existing land uses, the site was subsequently rezoned to "OU(Amenity Area)" upon the land use review taken by PlanD in 2001/02. Po Fook Hill was also rezoned to "OU(Columbarium)" with development restriction on gross floor area (GFA) of 4,149m² at that time. The relevant zoning amendments were gazetted on 5.7.2002 on the Sha Tin OZP No. S/ST/17;

Departmental Comments

- (g) departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design & Landscape (CTP/UD&L), PlanD had no strong view regarding the proposal to install people mover cum escalators on the hill slope, she had reservations on the proposed amendment of Notes of "OU(Amenity Area)" as no landscape condition could be imposed to ensure adequate compensatory planting would be implemented. The Chief Architect/Central Management Division, Architectural Services Department advised that since the applicant would not provide more tree planting to minimize the visual impacts caused by the new escalators to the surroundings, the design of the lightweight covers to the additional escalators should be reviewed to make it as slender and aesthetically pleasing as possible and the covers of the existing escalators should also be reviewed. The Assistant Commissioner for Transport/New Territories, Transport Department (AC for T/NT, TD) had no strong view on the construction of additional escalators for internal pedestrian circulation. Other departments had no objection to or no adverse comment on the application;

- (h) the District Officer/Shu Tin, Home Affairs Department (DO/ST, HAD) had no objection to the application subject to the comment that: (a) the provision of escalators and lift would bring convenience to the visitors and therefore further increased the number of visitors to the columbarium, even the number of niches at the columbarium remained unchanged. The pavement at Pai Tau Street was still inadequate to cope with the pedestrian flow caused by the columbarium, especially during the Ching Ming Festival and Chung Yeung Festival, which would cause great inconvenience to the locals. Locals expressed grave concerns on the pedestrian flow and impact on local traffic network at Pai Tau Street; and (b) the public views on the negative impact generated by the columbarium before approving the application should be taken into account;

Public Comments

- (i) during the first three weeks of the statutory public inspection periods, 225 public comments were received. The public comments included 10 objections and 215 supportive comments in standard letters from the villagers' representative of Sheung Wo Che, Pai Tau and individuals. The other comment was received from a Sha Tin District Councillor who indicated that the applicant should clarify how the site would be open to the public. The public comments were summarized as follows:

Objecting views (10 comments)

- (i) the proposal was not in line with the planning intention of "OU(Amenity Area)" zone and would not provide enhancement opportunities to the amenities. The cumulative impact on traffic, noise and environmental degradation should be duly considered;
- (ii) the site served as a buffer between the Po Fook Hill and the street level. There was an existing escalator in the site to serve the pedestrian connection purpose. The proposed escalators would cause damage to the "OU(Amenity Area)" zone. Traffic mitigation

measures should start from Sha Tin Rail Station and Sha Tin Rural Committee Road;

- (iii) the site zoned “OU(Amenity Area)” was Government Land which was however privately managed and used solely by Po Fook Hill Columbarium. It appeared that the proposed escalators would further facilitate the sale and would only benefit the visitors there. The Government should resume and manage the site and open to the public;
- (iv) given that the Pai Tau Street was already very congested during normal days and more serious during the Festivals, mitigation measures in a broader context should be considered. The proposed escalators would induce additional traffic and would cause blockage problem and nuisance to the villagers. The subject application was not supported by vehicular traffic impact assessment. The adverse traffic impact of the proposal to the public should be taken into account; and
- (v) the carparks in the site should be open so that villagers could enjoy equal right of use; and

Supporting views (215 comments)

- (vi) the existing escalators, staircases and a lift (mainly for the elderly and disabled) were not adequate in serving the visitors. The proposed escalators were required in view of the growing number of visitors and for safety reason; and

[Ms Christina M. Lee arrived to join the meeting at this point.]

PlanD's Views

- (j) PlanD had no objection to the application based on the assessments set out in

paragraph 11 of the Paper. With appropriate design, the proposed escalator system was considered not incompatible with the surrounding areas and would not contradict the planning intention of the “OU(Amenity Area)” zone. Regarding the concern of CTP/UD&L of PlanD on future control on compensatory planting, a lease modification was required for the proposed escalator system, such concern could be addressed by including the landscaping requirement in the lease conditions. The Chief Engineer/Development (2)(CE/Dev(2)), Water Supplies Department’s concern on the potential impact on the existing water mains could be addressed at lease modification stage. Regarding the public comments, the planning assessment and comments of the relevant government departments were relevant.

8. The Chairman then invited the applicant’s representatives to elaborate on the application. Mr Ian Brownlee, the applicant’s representative, said that they agreed with the assessment made by PlanD and had nothing to add.

9. A Member asked whether the applicant had considered to modify the existing staircases in order to avoid any large scale civil engineering works to be undertaken at the site and any plan on the colouring and greening of the proposed set of escalators so that they would be better integrated with the surrounding areas. In response, Mr Brownlee said that various options had been considered, and the current proposal was the best solution after taking all relevant factors including the trees that would be affected into consideration.

10. The same Member asked whether the proposed escalators could be merged better with the environment. In response, Mr Brownlee said that detailed design of the proposed escalators had yet been carried out and they would take account of Members’ view.

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

Deliberation Session

12. A Member supported the proposal as it could facilitate the pedestrian flow of the area. However, the applicant should enhance the design of the proposed escalators to make them integrated better with the surrounding environment.

13. After deliberation, the Committee decided to agree to the application by amending the Notes of the “OU(Amenity Area)” to include ‘People Mover (Escalators/Lifts)’ in Column 1 use. The proposed amendment to the Sha Tin OZP No. S/ST/30 in respect of the “OU(Amenity Area)” zone would be submitted to the Committee for approval prior to gazetting under section 5 of the Town Planning Ordinance.

Sai Kung and Islands District

[Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/64 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot. No. 242
S.O in D.D. 214, Nam Wai, Sai Kung
(RNTPC Paper No. A/SK-HH/64)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the application but considered that the application only involved construction of one Small House and could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as there was no site formation plan or information submitted showing the works area and proposed extent of site formation work;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received. Designing Hong Kong Limited objected to the application mainly on the following grounds: (i) the applied use was incompatible with the area designated as “Green Belt” (“GB”) zone; (ii) there were no transport, environmental, landscape, drainage and sewerage impact assessments in the submission; and (iii) the cumulative impacts of Small House development without public sewerage on ground water and water bodies; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The majority of the site and footprint fell within the “Village Type Development” (“V”) zone. The proposed Small House was considered compatible with the surrounding area which was occupied by clusters of Small Houses. The application generally met the main planning criteria of the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (the TPB PG-No.10). The application also complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the site and the footprint of the proposed Small

House fell entirely within the village ‘environs’ (‘VE’) of Nam Wai Village and there was a general shortage of land in meeting Small House development in the “V” zone of Nam Wai Village. Hence, sympathetic consideration could be given to the application. To address CTP/UD&L’s concerns, the implementation of a landscape condition was recommended. Regarding the public comment, the planning assessments were relevant.

15. Members had no question on the application.

Deliberation Session

16. 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 13.3.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend 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 the WSD’s standard;

- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (BD) that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance (BO) and an Authorized Person must be appointed for the site formation and communal drainage works;
- (e) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the site is located within Nam Wai Site of Archaeological Interest, where important archaeological discoveries had been unearthed. In this regard, site inspection by AMO is required in the course of excavation; and
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Land Officer to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to BD in accordance with the provisions of the BO.”

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/216 Warehouse (Metal Air Duct) for a Period of 3 Years in area shown as 'Road', Lot 4E (Part) and 4RP (Part) in D.D. 212 and adjoining Government Land, Sai Kung
(RNTPC Paper No. A/SK-PK/216)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) warehouse (metal air duct) for a period of 3 years;

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

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department (CBS/NTE2 & Rail, BD) had reservation under the Buildings Ordinance on the application as part of the existing structures were unauthorized building works that would be subject to the Buildings Ordinance section 24 order;
- (d) no public comment was received during the first three weeks of the statutory public inspection period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The proposed warehouse on a temporary basis for three years up to

13.3.2018 would not affect the implementation of the road improvement works. Both the Commissioner for Transport (C for T) and the Chief Highway Engineer/New Territories East, Highways Department (CHE/NTE, HyD) had no objection to the application. The site was previously approved by the Committee for workshop related to air duct in 2004 and 2010. The site was currently used as a metal air duct workshop. It was considered not incompatible with the surrounding land uses comprising mainly concrete batching plant, warehouse and open storage uses. As the previous application was revoked, shorter compliance periods for the approval conditions were proposed to closely monitor the compliance.

19. A Member noted that the site was approved by the Committee for workshop use in 2004 but the planning permission expired in 2007 and a new application for workshop use was approved by the Committee in 2010 but the planning permission was revoked in 2011. The Member asked whether the warehouse was still in operation during the periods when the site was not covered by any planning permissions and whether any enforcement action was taken by the government departments. In response, Mrs Alice K.F. Mak, STP/SKIs said that the warehouse on site had never been demolished but there was no information on whether it was still in operation for workshop use when the planning permissions were either expired or revoked.

Deliberation Session

20. The same Member had no objection to the application but raised concerns on what actions could be taken by the government departments if the applicant continued its operation on site during the periods when the site was not covered by a valid planning permission and whether the approval period of 3 years should be counted from the date of the Committee's decision or the expiry date of the previous planning permission. In response, the Chairman said that the period of approval should be based on the date of the Committee's decision. According to DPO/SKIs' information, the warehouse was in existence but there was no information on its operation during the period when the site was not covered by any planning permissions. It reflected the difficulty in taking enforcement action by making reference to aerial photo when it involved a covered structure as compared to an open storage

site. In view of limited resources, such case was not accorded high priority by the enforcement team of PlanD. Priority would be given to the complaint cases raised by the public or other government departments. In any event, the key would be whether there was evidence to prove it was an unauthorised use.

21. A Member noted that the two previous approvals were related to workshop use while the current application was for warehouse use. It appeared to be no special circumstance to warrant the rejection of the current application.

22. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of proposals for water supplies for firefighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015;
- (b) in relation to (a) above, the provision of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

23. 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 following comments of the District Lands Officer/Sai Kung, Lands Department:

- (i) breaches were detected with respect to excessive built-over area, building height etc. within the short term waiver No. SW375 for Lot Nos. 4 s.E, 4 R.P. and 5 s.A ss. 3 in D.D. 212 and short term tenancy No. SX3087 for the adjacent Government land. The applicants should submit a rectification proposal to his office; and
 - (ii) having regard to the above, the proposed warehouse use of the site under the subject application does not accord with the permitted user under the approved terms and conditions for the Short Term Waiver and the Short Term Tenancy and is therefore considered not acceptable from the lease and tenancy points of view. Should the application be approved, the owners of the concerned private lots should apply to his office for fresh short term waiver and short term tenancy to effect the proposed warehouse use. However, there is no guarantee that the waiver and tenancy applications would be approved by the Government. Such applications, if eventually approved, shall be subject to such terms and conditions including the payment of administrative fee, waiver fees and rent, as Government considers appropriate;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisance to the adjoining areas. The applicants should be reminded to take extreme care to the existing drainage system at the southern portion of the site, in order not to disturb, interfere with or cause damage to them. Any blockage or damage to the said system shall be made good at the applicants' cost;
- (d) to note the following comments of the Director of Fire Services:
- (i) emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building

2011 which is administered by the Buildings Department (BD); and

- (ii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the site, the applicants may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (f) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, BD :
- (i) as part of the existing structures are unauthorized building works that subject to the Buildings Ordinance section 24 order, the applicants should comply with the said orders as soon as possible. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and
 - (ii) as the site is not abutting a specified street of not less than 4.5m wide, the development intensity of the site shall be determined by the Building Authority under section 19(3) of the Building (Planning) Regulations.”

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/217 Proposed 3 Houses (New Territories Exempted Houses (NTEH) - Small Houses) in “Green Belt” zone, Lots No. 470 S.B ss.2, 470 S.B ss.3 and 470 S.B RP in D.D. 222, Pak Kong Village, Sai Kung
(RNTPC Paper No. A/SK-PK/217)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed 3 houses (New Territories Exempted Houses (NTEH) - Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Commissioner for Transport (C for T) had reservation on the application but considered that the application only involved construction of three Small Houses and could be tolerated unless it was rejected on other grounds;
- (d) during the first three weeks of the statutory public inspection period, three public comments were received. Designing Hong Kong Limited objected to the application mainly for the reasons that (i) the use under application was incompatible with the area designated as “Green Belt” (“GB”) zone; (ii) there were no environmental, landscape, drainage and sewerage impact assessments in the submission; (iii) the shortage of land for parking and access would create adverse impacts on the surroundings; and (iv) the cumulative impacts of Small House development without public sewerage on ground water and water bodies. The Sai Kung District Council member

and the Chairman of Sai Kung Rural Committee supported the application on the grounds that: (i) there was a general shortage of land within the village for development of Small House; (ii) there was no tree within the site; and (iii) there were approved Small Houses in the vicinity of the site; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House developments were not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. Although the sites and the footprint of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Pak Kong and there was insufficient land to fully meet the future Small House demand of the village in the long run, there was still land currently available within the “Village Type Development” (‘V’) zone to meet the outstanding demand. According to the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ (TPB PG-No.10), an application for new development in a “GB” zone would only be considered in exceptional circumstances and had to be justified with very strong planning grounds. For the current application, there were no exceptional circumstances or strong planning grounds to justify the application. Approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on the “GB” zone by development and a general degradation of the rural environment of the area. Although there were two approved planning applications for Small House in the vicinity of the site, it was noted that the application sites for these two approved cases straddled the “GB” zone and “V” zone. As the entire site of the current application fell outside “V” zone, it did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories

(the Interim Criteria).

25. Members had no question on the application.

Deliberation Session

26. 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 this zone. There is no strong justification in the current submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that there are no exceptional circumstances or strong planning grounds to justify the application;
- (c) land is still available within the “Village Type Development” zone of Pak Kong where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services; and
- (d) approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in the encroachment on

the “GB” zone by development and a general degradation of the rural environment of the area.”

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-TLS/45 Temporary Soil Track (Temporary Access Road for House Development) for a Period of 11 Months in “Green Belt” and “Village Type Development” zones, Lots 1066 (Part), 1067 (Part), 1071 S.A (Part) and 1071 S.B (Part) in D.D. 253 and Adjoining Government Land, Au Tau Village, Sai Kung
(RNTPC Paper No. A/SK-TLS/45)

27. The Committee noted that the applicant requested on 24.2.2015 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment of the application.

28. 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.

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

Sha Tin, Tai Po and North District

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

Agenda Item 8

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to Approved

Ma On Shan Outline Zoning Plan No. S/MOS/20

(RNTPC Paper No. 3/15)

29. The Secretary reported that one of the proposed amendment items (Amendment Item B) involved rezoning of a site at the junction of Hang Kin Street and Hang Ming Street from “Open Space” to “Residential (Group A)10” for the proposed public housing development which would be developed by the Hong Kong Housing Authority (HKHA). The following Members had declared interests in this item:

- | | |
|---|---|
| Mr K.K. Ling
(the Chairman)
as the Director of Planning | - being a member of the Strategic Planning Committee and the Building Committee of HKHA |
| Mr Edwin W.K. Chan
as the Assistant Director of Lands Department | - being an alternate member of the Director of Lands who was a member of HKHA |
| Mr Martin W.C. Kwan
as the Chief Engineer (Works), Home Affairs Department | - being an alternate member of the Director of Home Affairs who was a member of the Strategic Planning Committee and the Subsidized Housing Committee of HKHA |
| Mr H.F. Leung | - being a member of the Tender Committee of HKHA |
| Ms Janice W.M. Lai | - having current business dealings with HKHA |

30. According to the procedure and practice adopted by the Town Planning Board, as the proposed public housing development was the subject of the amendment to the Outline Zoning Plan (OZP) proposed by the Planning Department (PlanD), the Committee agreed that the interests of the Chairman, Mr Edwin W.K. Chan, Mr Martin W.C. Kwan, Mr H.F. Leung and Ms Janice W.M. Lai on this item only needed to be recorded and they could be allowed to stay in the meeting.

31. The Committee noted that two letters from residents of Ma On Shan were received on 12.3.2015 (Thursday) p.m. objecting to the rezoning of the site at Hang Kin Street for housing development. The letters had been tabled at the meeting.

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

32. With the aid of a PowerPoint presentation, Mr C.K. Soh, DPO/STN, presented the proposed amendments to the approved Ma On Shan OZP No. S/MOS/20 as detailed in the Paper and covered the following main points:

Proposed Amendments to the OZP

(a) Amendment Item A –

a site near Yiu Sha Road was proposed to be rezoned from “Government, Institution or Community” (“G/IC”) to “Residential (Group C)3” (“R(C)3”) with a maximum plot ratio (PR) of 2.4 and a maximum building height (BH) of 40mPD for low-rise, low-density residential development with stipulation of maximum BH restriction of 40mPD;

(b) Amendment Item B –

a site located at Hang Kin Street was proposed to be rezoned from “Open Space” (“O”) and an area shown as ‘Road’ to “Residential (Group (A)10” (“R(A)10”) with a maximum plot ratio (PR) of 6.0 and a maximum building height (BH) of 120mPD for public housing development with stipulation of maximum BH restriction of 120mPD;

Background

- (c) to meet the pressing need for housing land supply, two sites, namely, a “Government, Institution or Community” (“G/IC”) site near Yiu Sha Road in Whitthead and an “Open Space” (“O”) site (with a minor portion of land shown as ‘Road’) at Hang Kin Street in Ma On Shan had been identified for housing developments. The technical feasibility of increasing the development intensity of the “G/IC and “O” sites by 20% was also undertaken under the current proposed amendments;

Technical Assessment

- (d) the Civil Engineering and Development Department (CEDD) had carried out technical assessments on the traffic, sewerage, drainage, water supply and environment including ecological aspects for Item A site and there would be no insurmountable problems;
- (e) Visual Appraisal (VA) conducted by PlanD for Item A site concluded that the proposed development would be largely screened off by the rows of existing trees along the roads and the visual impact would be insignificant;
- (f) Air Ventilation Assessment (Expert Evaluation) (AVE(EE)) conducted by PlanD for Item A site anticipated that the proposed development would not result in significant adverse air ventilation impact to the surrounding areas;
- (g) Traffic Review (TR) and VA had been conducted by the Housing Department (HD) for Item B site to ascertain that the proposed developments would not have adverse impacts on the traffic and visual aspects;
- (h) an AVA comprising expert evaluation and a site-specific quantitative assessment by Computational Fluid Dynamics (CFD) had been conducted by PlanD for Item B site. The AVA indicated that it was unlikely that the proposed housing development would have significant adverse air

ventilation impacts on the surrounding areas. The current overall wind environment would not be adversely affected by the proposed public housing development. The CFD study recommended that mitigation measures such as refining the disposition/orientation and bulk of the building block, provision of voids/empty bays at the ground floor and lower building height should be further explored in quantitative air ventilation study at the detailed design stage by HD;

Provision of Open Space and G/IC Facilities in Ma On Shan

- (i) the overall provision of various GIC facilities and open space and land reservation were generally adequate to meet the need of the planned population of Ma On Shan;

Departmental Consultation

- (j) all concerned departments had no adverse comment on the proposed amendments for the housing developments from visual, air ventilation, traffic, environmental, ecological and infrastructural points of view; and

Public Consultation

- (k) on 5.3.2015, the Development and Housing Committee (DHC) of Sha Tin District Council was consulted and DHC generally supported the initiative of increasing housing land supply to meet the acute housing demand but considered that site selection should be careful to minimize impacts on the neighbourhood and adequate transport and supporting facilities should be provided for the new housing developments.

33. For the proposed public housing development at Hang Kin Street, the Chairman asked whether the proposed public housing block would have any impact on air ventilation. In response, Mr Soh said that there would be at least a gap of 30m on both sides of the proposed housing block from its adjoining developments and it would not cause adverse impact on air ventilation. The Chairman further asked about the desirable width of an air path. In response,

Mr Soh said that a desirable width of an air path would be around 30m.

34. A Member asked why a building height (BH) of 120mPD was proposed for the proposed public housing site at Hang Kin Street. In response, Mr Soh said that along the waterfront, there was already a variation of BHs for the existing developments ranging from 80mPD-120mPD and the inland area including some public housing sites from 120mPD-140mPD. The proposed BH of 120mPD was visually compatible with the existing height profile in the vicinity and it would also provide flexibility for building design to better utilize the site potential.

35. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/20 and the draft Ma On Shan OZP No. S/MOS/20A at Annex B of the Paper (to be renumbered as S/MOS/21 upon exhibition) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance (the Ordinance); and
- (b) adopt the revised Explanatory Statement (ES) at Annex D of the Paper for the draft Ma On Shan OZP No. S/MOS/20A (to be renumbered as S/MOS/21 upon exhibition) as an expression of the planning intention and objectives of the Town Planning Board (TPB) for various land use zones on the Plan and agree that the revised ES was suitable for exhibition together with the OZP.

36. Members noted that, as a general practice, the Secretariat of the TPB would undertake detailed checking and refinement of the draft OZP including the Notes and ES, if appropriate, before its publication under the Ordinance. Any major revision would be submitted for the TPB's consideration.

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/865 Proposed Shop and Services (Real Estate Agency) in “Industrial” zone,
Unit 4A, G/F Hopeful Factory Centre, 10-16 Wo Shing St, Fo Tan
(RNTPC Paper No. A/ST/865)

Presentation and Question Sessions

37. 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) shop and services (real estate agency) under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from the Chairman of Sha Tin Rural Committee (STRC) who had no objection to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The real estate agency under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D) on the fire safety and traffic aspects. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in

the area. Since the previous application No. A/ST/833 was revoked on 13.9.2014 due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application.

38. Members had no question on the application.

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

Deliberation Session

39. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015;
- (b) in relation to (a), the implementation of fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015; and
- (c) if any of the above planning condition (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the premises;
- (b) a temporary approval of three years is given in order to allow the TPB to monitor the compliance of the approval conditions and the supply and

demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;

- (c) shorter compliance periods are imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department (LandsD) for a temporary waiver to permit the applied use. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected. Besides, the subdivision of the unit/premises should comply with the provisions of BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any. Adequate access and facilities for persons with a disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 refer; and
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application.

Regarding matters in relation to fire resisting construction of the premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the BD. The applicant should observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/866 Proposed Shop and Services (Real Estate Agency) in “Industrial” zone,
Workshop Portion E3, G/F Haribest Industrial Building, 45-47 Au Pui
Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/866)

Presentation and Question Sessions

41. 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) shop and services (real estate agency) under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The real estate agency under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D) on the fire safety and traffic aspects. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area. Since two previous applications were revoked due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance.

42. Members had no question on the application.

Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 3 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015;
- (b) in relation to (a), the implementation of the fire service installations within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015; and
- (c) if any of the above planning condition (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the premises;
- (b) a temporary approval of three years is given in order to allow the TPB to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) shorter compliance periods are imposed to monitor the progress of compliance. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the TPB to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department (LandsD) for a temporary waiver to permit the applied use. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected. The subdivision of the unit/premises should comply with the provisions of BO/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any. Adequate access and facilities for persons with a disability

should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 refer; and

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application. Regarding matters in relation to fire resisting construction of the premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority. The applicant should observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’.”

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/867 Temporary Shop and Services (Bicycle Sale, Rental and Maintenance) for a Period of 5 Years in “Industrial” zone, Portion Unit A, G/F Unison Industrial Centre, Nos. 27-31 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/867)

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

Presentation and Question Sessions

45. 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) temporary shop and services (bicycle sale, rental and maintenance) for a period of 5 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 comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D on “Use/Development within “Industrial” Zone” (TPB PG-No. 25D) on the fire safety and traffic aspects. A temporary approval of three years instead of five years as proposed by the applicant was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire service installations proposal within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015;

- (b) in relation to (a), the implementation of the fire service installations within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2015; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the premises;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) a temporary approval of three years is granted in order to allow the TPB to monitor the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department (LandsD) for a temporary waiver to permit the applied use. Such application, if received, will be considered by LandsD acting in its capacity as the landlord at its sole discretion and any approval given will be subject to such terms and conditions including, inter alia, payment of waiver fee and administrative fee as may be imposed by LandsD;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining premises of industrial use by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be

adversely affected. The subdivision of the unit/premises should comply with the provisions of BO / Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any. Adequate access and facilities for persons with a disability should be provided. Building (Planning) Regulation 72 and Design Manual: Barrier Free Access 2008 refer; and

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application. Regarding matters in relation to fire resisting construction of the premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority. The applicant should observe the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’.”

Agenda Items 12 and 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/17 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 68 RP in D.D. 292, Tai Tan, Tai Po (RNTPC Paper No. A/DPA/NE-TT/17)

A/DPA/NE-TT/18 Proposed House (New Territories Exempted House - Small House) in “Unspecified Use” Area, Lot 70 S.B in D.D. 292, Tai Tan, Tai Po (RNTPC Paper No. A/DPA/NE-TT/18)

49. The Committee noted that the two applications were similar in nature (Small House) and the application sites (the sites) were close to each other. The Committee agreed that the two applications should be considered together.

Presentation and Question Sessions

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

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

Comments of the Commissioner for Transport (C for T)

- (i) he had reservation on the applications but considered that the applications only involved construction of two Small Houses and could be tolerated unless they were rejected on other grounds;

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

(For Application No. A/DPA/NE-TT/17)

- (ii) he had strong reservation on the application from the landscape planning point of view as the extent and details of site formation or stabilization work were unclear and might involve large scale site formation work for the whole platform which might cause significant vegetation clearance beyond the site. The site was close to the woodland in the north. Approval of the application would set an undesirable precedent for other similar applications to extend the village into the woodland and the cumulative effect would result in a general degradation of the woodland and cause adverse impacts on

the landscape of the area;

(For Application No. A/DPA/NE-TT/18)

- (iii) he had reservation on the application from the landscape planning perspective as approval of the application would set an undesirable precedent for other similar applications to extend the village type developments along the Tai Tan Country Trail at the lower coastal land. The cumulative effect of approving similar applications would result in a general degradation to the overall visual and landscape quality of the area along the trail;
- (d) during the first three weeks of the statutory public inspection period, two public comments were received for each of the applications. Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong objected to the applications mainly on grounds that the applications were not in line with the planning intention of approved Tai Tan, Uk Tau, Ko Tong and Ko Tong Ha Yeung Development Permission Area Plan No. DPA/NE-TT/2 (the DPA Plan); the proposed development would cause ecological and landscape impacts; there had been vegetation clearance in the surrounding area of the sites; approval of the applications would set an undesirable precedent for other similar applications; and no development should be approved prior to the detailed planning of the “Unspecified Use” area, etc.; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers. PlanD’s views on the applications were summarised as follows:
 - (i) the applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint fell within the village ‘environs’ (‘VE’) of Tai Tan and there was insufficient land within the “Village Type Development” (“V”) zone of Tai Tan to

meet the Small House demand. Hence, sympathetic consideration could be given to the applications;

- (ii) to address the concerns of CTP/UD&L, PlanD, an approval condition on the submission and implementation of landscape and tree preservation proposal including site formation plan was recommended; and
- (iii) the proposed Small Houses were not incompatible with the surrounding environment which was mainly rural in character. Three similar applications (No. A/DPA/NE-TT/2, 7 and 8) adjoining to or in close vicinity of the sites within the same “Unspecified Use” area in Tai Tan were approved with conditions by the Committee in November 2014 to January 2015. Regarding the public comments, the planning assessments and comments of the relevant government departments were relevant.

51. The Chairman asked DPO/STN whether the planning applications at the sites would have any impacts on the future formulation of the Outline Zoning Plan for the Tai Tan area and whether application No. A/DPA/NE-TT/18 would affect the Tai Tan Country Trail. In response, Ms Channy C. Yang, STP/STN said that both sites were covered with common shrubs and the site under A/DPA/NE-TT/18 adjoining to an existing village cluster was accessible via a section of Tai Tan Country Trail. According to the 2011 Census, there were 240 population living in Tai Tan which was accessible by vehicles and ferry and utilities services such as electricity, telephone and water supply were also available. The number of outstanding Small House applications in Tai Tan was 32 and the land required to meet the outstanding Small House demand would be about 0.8 ha. It reflected that the village was active and there was a pressure for development. As both sites fell within the village ‘environs’ (‘VE’) of Tai Tan and were located in between the two existing village clusters, the area might be appropriate for future village extension. As for application No. A/DPA/NE-TT/18, Ms Yang said that a section of Tai Tan Country Trail fell within the site which was a private lot. However, the applicant had clarified that the width of balcony of the NTEH would be reduced and the septic tank relocated to avoid any blockage to that section of the Tai Tan Country Trail.

52. A Member noted that, as raised by a public comment, there had been vegetation clearance in the surrounding area and the Tai Tan Country Trail would be affected by the application. In response, Ms Yang said that the Chief Town Planner/Central Enforcement and Prosecution (CTP/CEP), PlanD advised that both sites were not involved in any active enforcement cases. As explained earlier, the applicant undertook that the Small House development would not affect the existing Tai Tan Country Trail.

53. A Member asked whether it was feasible to impose an advisory clause to ensure the accessibility of the Tai Tan Country Trail. In response, Ms Yang said that the concerned section of the trail fell on private land and the applicant had revised the design of the Small House to avoid any blockage to the trail. The Chairman supplemented that when the applicant applied for a permit to construct the Small House, footprint of Small House would be set out in details. At this stage, it was only necessary to ensure that the Tai Tan Country Trail would not be affected.

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

Deliberation Session

54. Apart from the advisory clause as proposed above, a Member asked whether it was possible in the long run to ensure that the country trail would not need to pass through villages. In response, the Chairman said that many country trails evolved over a long period of time and some trails were formed by villagers in the very early years on private land for their own access not anticipating that they would become part of a hiking trail. However, it would be appropriate to relay Members' concerns to the Lands Department and the Agriculture, Fisheries and Conservation Department for their consideration.

55. The Chairman suggested and Members agreed that an advisory clause on the access of Tai Tan Country Trail should be added to reflect Members' views as expressed at the meeting.

56. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 13.3.2019, and after the said date, the permissions should cease to have

effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

Application No. A/DPA/NE-TT/17

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

Application No. A/DPA/NE-TT/18

- “(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 a landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

Application No. A/DPA/NE-TT/17

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval has been given by the TPB, LandsD will process the Small House application. If the Small

House application is approved by LandsD acting in the capacity as landlord at its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;

- (b) to note the comments of the Director of Fire Services that the applicant should observe “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant/owner is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure or the system. There is no existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (d) to note the comments of the Director of Environmental Protection that the applicant should follow the Professional Persons Environmental Consultative Committee Practice Notes 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 minimize the impact on vegetation outside lot boundary, in particular trees on Government land;

- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant is advised to submit a landscape and tree preservation proposal and associated site formation plan at an early stage to demonstrate that the impact on the surrounding landscape is minimized for the development;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (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 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 ”.

Application No. A/DPA/NE-TT/18

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that:
 - (i) 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; and
 - (ii) the applicant’s Small House application can only be proceeded further provided that his Small House application site is identical to the planning application, if approved;

- (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 Commissioner for Transport that the existing village track road is not under the Transport Department’s jurisdiction. The land status of the village track road should be checked with the lands authority. The management and maintenance responsibilities of the village track road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, 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 system. There is no existing public sewerage in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and the provision of septic tank;
- (e) to note the comments of the Director of Environmental Protection that the applicant should follow the Professional Persons Environmental Consultative Committee Practice Notes 5/93 for the design and construction of the septic tank and soakaway system;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should not interfere with trees outside the lot boundary, in particular trees on Government land. Any blockage or

damage to the Tai Tan Country trail during the construction and operation of the septic tank is not desirable;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (i) landscape planting is recommended, particularly at the interface between the proposed Small House and the Tai Tan Country Trail;
 - (ii) in order to minimize the adverse impact on the adjacent wooded hill slope at the northwest of the site, set back of the proposed Small House is recommended; and
 - (iii) the southeastern part of the site adjoining the coast is recommended to be preserved;
- (h) 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 his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or

overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:

- (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by 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;
- (j) 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; and
- (k) to maintain public access, as proposed by the applicant, to the existing footpath (which forms a section of Tai Tan Country Trail) in the site.”

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/530 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 408 S.B
ss.4 in D.D. 10, Chai Kek, Tai Po
(RNTPC Paper No. A/NE-LT/530)

[Mr H.F. Leung and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as there were active agricultural activities in the vicinity of the site and the site itself had high potential for rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. Indigenous villager and villagers of Chai Kek and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed Small House would affect the local access and some nearby irrigation channels; no impact assessment had been

submitted; potential cumulative impact; and the development was not in line with the planning intention of “Agriculture” (“AGR”) zone; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprints fell within the village ‘environs’ (‘VE’); there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of concerned villages; and the proposed Small House within water gathering ground (WGG) would be able to be connected to the planned sewerage system in the area. Hence, sympathetic consideration could be given to the current application. Regarding the public comment, the planning assessments and comments of the relevant government departments were relevant.

59. In response to two Member’s questions, Mr C.T. Lau, STP/STN confirmed that the last application for Small House was approved in 2008 in the vicinity of the site and by referring to a plan on the visualizer, Mr Lau indicated the land in “V” zone that was available for Small House development. He confirmed that given there was a general shortage of land in meeting the demand for Small House development in the “V” zone, sympathetic consideration could be given to the application according to the Interim Criteria.

[Mr H.F. Leung returned to join the meeting at this point.]

Deliberation Session

60. A Member did not support the application as land was still available in the “V” zone for Small House development as shown on the plan. The Committee had adopted a more cautious approach in considering the Small House applications recently and the last application in the area was approved in 2008. If the application was approved, it would induce further Small House development outside the “V” zone.

61. Noting from Plan A-1 of the Paper, the Chairman said that applications No. A/NE-LT/458 and 498 were approved in 2012 and 2014 respectively. It was explained that these two applications were assessed according to the Interim Criteria in that they were within the 'VE', there was a general shortage of land in meeting the demand for Small House development in the "V" zone and they were able to connect to the planned public sewerage system.

62. Noting from Plan A-2 of the Paper, the Chairman asked why the footprint of the proposed Small House entirely fell within the "AGR" zone and whether it was possible to shift the house southward to fall partly within the "V" zone. It was explained that there was a road and a refuse collection point near the southern end of the site. The disposition of the Small House might reflect the intention to avoid affecting the vehicular access and any site formation work.

63. Another Member concerned that the application should not be approved as land was still available within the "V" zone for Small House development and the approval of the application might lead to further Small House development to the north of the "V" zone. The Committee did adopt a more cautious approach in considering the Small House applications since 2013/2014.

64. Members generally agreed that as the proposed development was not in line with the planning intention of the "AGR" zone and there was still land available for Small House development in the "V" zone, the application could not be supported. The Chairman suggested and Members agreed that a rejection reason should be added to reflect Members' views as expressed at the meeting.

65. After deliberation, the Committee decided to reject the application. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone for the area which is primarily 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 provided in the submission to justify a

departure from the planning intention; and

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

Agenda Items 15 to 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/570 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 81 S.G in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/570A to 572A)

A/TP/571 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 83 R.P. in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/570A to 572A)

A/TP/572 Further Consideration of Proposed House (New Territories Exempted House - Small House) in “Green Belt” zone, Lot 83 S.E in D.D. 21, San Uk Ka Village, Tai Po
(RNTPC Paper No. A/TP/570A to 572A)

66. The Committee noted that the three applications were similar in nature (Small House) and the application sites (the sites) were close to each other and presented in one paper. The Committee agreed that the three applications should be considered together.

Presentation and Question Sessions

67. Mr C.T. Lau, STP/STN, presented the applications and covered the following

aspects as detailed in the Paper :

Background

- (a) on 2.1.2015, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board considered the applications. At the meeting, Members expressed concern on further encroachment onto the vegetated area by Small House developments, and would like to have more information on the past conditions of the sites as well as the discussion made by the Committee when considering similar applications (No. A/TP/553, 561 and 562) at the meeting on 17.10.2014; and
- (b) after deliberation, the Committee decided to defer making a decision on the applications pending the submission of further information by the Planning Department (PlanD) on the past aerial photos showing the conditions of the sites before May 2014 as well as the planning considerations of the Committee in considering applications No. A/TP/553, 561 and 562 on 17.10.2014.

Further Information

Limit for Small House Developments

- (c) in considering the similar applications (No. A/TP/553 and A/TP/561) in the vicinity of the sites by the Committee on 17.10.2014, the Committee noted that land outside “Village Type Development”(“V”) zone but within village ‘environs’ (‘VE’) of San Uk Ka (i.e. the area to the west and south of the sites and the approved Small House sites) was mainly Government land on steep slopes with gradient of around 20 degree and covered by woodland. Developments on these wooded slopes would be subject to topographical constraints and felling of tree would be subject to lands control action by the Lands Department (LandsD). The Committee considered that the boundaries of these wooded slopes could broadly set the limit for Small House developments in the subject “Green Belt” (“GB”) zone and served as a useful reference to facilitate the Committee’s consideration of future

Small House applications in the area;

- (d) as to the rejected similar application (No. A/TP/562), the site fell within unauthorized slope works which involved cutting the toe of an adjoining existing slope Feature No. 7NW-D/C427 which would undermine the stability of the slope, resulting in an adverse impact to the proposed Small House development;

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

Conditions of the Sites before May 2014

- (e) according to the aerial photos as shown on Plan FA-3 of the Paper, in 1980, the sites were vegetated land in general. In addition, there was a house structure on the site covered by application No. A/TP/571. The vegetation became denser in 1990 and 2004. In 2010, the site covered by application No. A/TP/570 was cleared of vegetation and it was partly covered with grasses in 2013. The sites covered by applications No. A/TP/571 and 572 remained vegetated in 2010 and 2013 and a house ruin could be traced at the former site of application No. A/TP/571 but no significant trees were found. In 2014, the sites were largely vacant and cleared of vegetation;

Site Formation Works carried out on Application Site No. A/TP/570

- (f) for the site covered by application No. A/TP/570, it was the subject of a previous application (No. A/TP/470) submitted by a different applicant for the same use which was approved with conditions by the Committee on 23.12.2010. Subsequently, site formation works covering the site and other adjoining approved Small Houses were approved by the Building Authority on 30.1.2014. The planning permission of application No. A/TP/570 was lapsed on 23.12.2014;

Land Status/ Slope Works near Application Sites No. A/TP/571 and 572

- (g) for the sites covered by applications No. A/TP/571 and 572, the former was covered by a Building Licence No. BL 103 whilst the latter was covered by

Block Government Lease. Based on the past aerial photos, no significant trees were found on the two sites;

- (h) it should be noted that there was no restriction on vegetation clearance or tree felling in private land under the Block Government Lease. Besides, clearance of vegetation itself did not contravene the provision of the “GB” zone;
- (i) there were some unauthorized slope works to the east of the sites. The Civil Engineering and Development Department (CEDD) had no objection to the applications No. A/TP/571 and 572 and advised that the unauthorized slope cutting works in the vicinity were at a distance of about 8m from the sites. For the unauthorized filling activities within and in the vicinity of the two sites, CEDD considered that it would be necessary to conduct an investigation and implement necessary remedial works, to ensure that the proposed developments would not be affected by the unauthorized filling works. The site circumstances were different from those of the rejected application No. A/TP/562; and

PlanD’s views

- (j) PlanD maintained its views of having no objection to the applications based on the assessments in paragraph 3 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the footprint of the proposed Small Houses fell within the ‘VE’ of San Uk Ka and there was shortage of land within the “V” zones of Wun Yiu/Cheung Uk Tei/San Uk Ka to meet the Small House demand. Sympathetic considerations could be given. Applications No. A/TP/570, 571 and 572 shared the similar planning considerations with the approved applications No. A/TP/553 and 561 in the vicinity in that they were at some distance away from the wooded slope serving as the broad limit for Small House developments in the area. The sites were flat and not covered by mature trees. Significant impact from the proposed developments on the

existing landscape resources in the area was not anticipated.

68. In response to the Chairman's question, Mr C.T. Lau confirmed that the site covered by application No. A/TP/570 was the subject of a previous application (No. A/TP/470) and site formation works were approved by the Building Authority on 30.1.2014. A house was in existence in 1980 at the site of application No. A/TP/571. The Chairman further asked whether the wooded slopes to the west and south of the sites could broadly set the limit for Small House developments and whether Small House development could be built on the slope. Referring to Plan FA-2b of the Paper and recent site photo, Mr Lau said that the vegetation on site had been cleared and the unauthorized slope cutting works in the vicinity were at a distance of about 8m from the sites. Application No. A/TP/571 would not encroach onto the existing cut slope while application No. A/TP/562 had encroached onto the toe of an existing cut slope.

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

Deliberation Session

69. A Member raised concern on whether application no. A/TP/570 could be approved simply for the reasons as indicated in paragraph 2.7 of the Paper, as there was still land in the "V" zone to meet the outstanding Small House demand. In response, the Chairman said that for the Tai Po Outline Zoning Plan (OZP), there was no provision for enforcement and clearance of vegetation was in general not regarded as an unauthorised development by PlanD.

70. In response to the Chairman's question, it was explained that San Uk Ka was a well developed village and only about 0.75 ha of land (which could accommodate about 30 Small House sites) was still available for Small House development. By referring to page 5 of Appendix FA-1a of the Paper, a Member asked whether land available to meet Small House demand within the "V" zone should be 2.94 ha instead of 0.75 ha as just presented. It was further explained that the "V" zone on the OZP covered a number of villages including Wun Yiu, Cheung Uk Tei and San Uk Ka. The 'VE' of these villages overlapped with each other. PlanD estimated that if discounting the overlapping 'VE' and the 'VE' of other villages, there was only 0.75 ha of land available for Small House development in the "V"

zone of San Uk Ka Village itself.

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

71. The same Member asked whether the area to the north of San Uk Ka was belonging to Cheung Uk Tei or San Uk Ka and whether cross-village Small House application was allowed in these villages. It was explained that cross-village Small House application was not one of the considerations by PlanD in assessing the current applications. The area to the north of the sites fell within the 'VE' of both Cheung Uk Tei and San Uk Ka which was in accordance with the advice from LandsD.

72. In response to a Member's question, it was explained that the number of outstanding Small House applications for Wun Yiu/ Cheung Uk Tei/San Uk Ka Villages were 25/17/14 respectively (totalling 56) and the 10-year Small House demand forecasts for these villages were 97/24/35 respectively (totalling 156). According to the PlanD's latest estimate, about 2.94 ha (equivalent to about 117 Small House sites) of land was available within the "V" zone. As such, the land available in "V" zone could not fully meet the future Small House demand (about 5.3 ha of land or equivalent to about 212 Small House sites were required).

73. The Vice-chairman asked whether the total outstanding Small House applications was 56 and the land available in "V" zone would be able to accommodate 117 Small House sites and for San Uk Ka, the outstanding Small House applications were 14 and the land available in "V" zone was 0.75 ha, which could accommodate 30 Small Houses sites by estimation. It was affirmed.

[Mr David Y.T. Lui arrived to join the meeting at this point while Mr K.C. Siu and Mr Philip S.L. Kan left the meeting temporarily at this point.]

74. The Chairman said that as the 'VE' of these villages overlapped with one another, it was very complicated to consider the relevant figures of the entire "V" zone. It would be more appropriate to focus on the relevant figures of San Uk Ka alone. Based on the total Small House demand of 49, there was insufficient land within the "V" zone of San Uk Ka to meet the demand. The Chairman also said that given the current outstanding Small House

applications at San Uk Ka was 14, its 10-year forecast of 35 was not unreasonable.

75. A Member considered that given the number of outstanding Small House applications and the amount of land still available in the “V” zone of San Uk Ka for Small House development, the approval of current applications was marginal as the Committee had adopted a cautious approach recently in assessing the planning applications involving “GB” zone.

76. The Chairman said that although a more cautious approach was adopted, it was also necessary to take into account the Committee’s previous decisions in other similar applications to maintain the consistency. The Secretary supplemented that when considering the applications, Members might make reference to Plan FA-2a of the Paper which provided information on the approval of other similar applications in the vicinity of the sites, Small House applications under processing and extent of site formation works approved by the Building Authority involving one of the current applications.

[Mr Philip S.L. Kan returned to join the meeting at this point.]

77. A Member asked whether the trees within the “V” zone would be cleared for development in future. In response, the Secretary said that on Plan FA-2b, land edged in blue were those available within “V” zone for Small House development while land edged in green were tree groups/slopes that had not been counted as land available in the “V” zone for Small House development. It was further explained that villagers usually treasured trees within their villages especially those old trees and ‘Fung Shui’ trees, and not every tree within the village would be fell for development.

78. The Chairman said that for the site of application No. A/TP/570, it was the subject of a previous application (No. A/TP/470) for Small House development approved with conditions by the Committee on 23.12.2010. Subsequently, site formation works covering the site and other adjoining approved Small Houses were also approved by the Building Authority on 30.1.2014. Sympathetic consideration could be given to the application.

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

79. The Chairman further said that for the site of application No. A/TP/571, there was a structure covered by Building Licence. The sites of applications No. A/TP/571 and 572 would not encroach the wooded slope and their site circumstances were different from those of the adjoining site which was the subject of application No. A/TP/562 rejected due to its encroachment upon the existing slope.

80. The Vice-chairman said that there was no strong justification to reject the applications given application No. A/TP/561 in its vicinity was approved on 17.10.2014 and there was a Building Licence on the site of application No. A/TP/571. If the application No. A/TP/571 was approved, application No. A/TP/572 should also be approved because the conditions of both sites were similar. The Vice-chairman further said that as revealed by Plan FA-3 of the Paper, it was noted that sites covered by applications No. A/TP/571 and 572 were still vegetated in 2013 but the vegetation on sites was cleared in 2014. As shown on Plan FA-2b of the Paper, there were private lots to the west of the sites of applications No. A/TP/571 and 572 and they were still vegetated. He was concerned that approval of applications No. A/TP/571 and 572 might set an undesirable precedent and it would lead to further encroachment of the vegetated area to the west.

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

81. The Chairman said that it was important to ascertain that the accuracy of the exact boundary of the wooded slope on Plan FA-2b. It was explained that the boundary was delineated according to the three criteria: (1) land ownership, (2) gradient of slope, and (3) whether the vegetation was worthy to preserve. Area to the west of the sites was generally flat and covered by shrubs and grasses. With these criteria, it would be able to safeguard that construction of Small Houses would be away from the wooded slope.

82. A Member considered the approval of the applications was marginal, as there were land available within the "V" zone to meet the outstanding Small House demand and the applications should be rejected unless there were special circumstances for their approval. In this regard, the Member considered that application No. A/TP/570 could be approved as it was the subject of a previous approved application and its site formation works were already approved by the Building Authority. For application No. A/TP/571, there was a structure

covered by a Building Licence, which might be regarded as a special circumstance. However, there appeared to be no special circumstances to warrant the approval of application No. A/TP/572.

83. The Chairman said that if the Small House demand was only based on the number of outstanding Small House applications, it was not in line with the Interim Criteria which took into account both the number of outstanding Small House applications and 10-year Small House demand forecast. A lower weighting could be given to the 10-year Small House demand forecast if it was considered too high and unreasonable, but not to completely ignore the figure.

[Mr H.F. Leung left the meeting at this point.]

84. A Member reiterated that there was 0.75 ha of land available in “V” zone to meet the outstanding Small House demand of San Uk Ka. Approval of the applications would set an undesirable precedent for similar applications within the “GB” zone, the cumulative effect of which would have caused adverse landscape impact on the surrounding areas. The Member suggested that the applications should not be treated as a generic case for future consideration of similar applications in the area. The Chairman clarified that the applications were not treated as a generic case as reflected by the thorough deliberation on the applications on individual merits.

85. Another Member considered that there appeared to be no special circumstance to justify the approval of application No. A/TP/572. In response, the Chairman said that as pointed out by the Vice-chairman there was no substantial difference in site conditions could be observed between applications No. A/TP/571 and A/TP/572.

86. After further deliberation, the TPB decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 13.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

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

Additional for Applications No. A/TP/571 and 572

- (d) 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.”

87. The Committee also agreed to advise each of the applicants 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. Please also note that 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) that there is no existing DSD maintained public drain in the vicinity of the site. The applicant is required to maintain his own stormwater 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. The applicant

should 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 for approval via DLO/TP, LandsD beforehand. Moreover, the sewerage connection will be subject to DSD's technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from DSD web site at <http://www.dsd.gov.hk>. 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 Commissioner for Transport that the existing village access connecting 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;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comment 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) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed 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
- (g) 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; and

Additional for Application No. A/TP/570

- (h) to note the comments of the Head of the 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 the exemption for 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.”

[Dr C.P. Lau and Mr Ivan C.S. Fu left the meeting temporarily at this point while Mr Lincoln L.H. Huang left the meeting at this point.]

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

[Mr Martin W.C. Kwan left the meeting temporarily at this point while Mr Ivan C.S. Fu returned to join the meeting at this point.]

Presentation and Question Sessions

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

Background

- (a) on 16.1.2015, the Rural and New Town Planning Committee (the Committee) of the Town Planning Board (the Board) considered the application. While the application was considered not in line with the

“Interim Criteria for assessing planning application for New Territories Exempted Houses (NTEH)/Small House development in the New Territories” (Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone, Members noted similar applications in the vicinity had been approved during 2004 and 2009 under applications No. A/TP/339, 340, 378 and 438 and there was insufficient information available to the Committee on the reasons why these similar applications were approved at that time; and

- (b) after deliberation, the Committee decided to defer making a decision on the application pending the submission of further information by the Planning Department (PlanD) on the circumstances in approving the similar applications located in the vicinity of the site;

Further Information

Designation of the “CDA(1)” zoning

- (c) the Fung Yuen Valley was rezoned from “Village Type Development” (“V”) and “Green Belt” (“GB”) to “Other Specified Uses” annotated “Comprehensive Redevelopment Area” (“OU(CRA)”) in 1982 to facilitate private low-density residential and village type developments. In 1994, the “OU(CRA)” zone was proposed to be rezoned to “CDA”, “V” and “GB” and “Government, Institution or Community” (“G/IC”) on the draft Tai Po OZP No. S/TP/7 and objections were received. On 15.8.1997, the Board agreed to partially meet the representations and decided to propose amendments to the draft OZP by rezoning an area in Fung Yuen Valley together with an area to the north of the Lau Hang from “GB”, “V” and “CDA” to “CDA(1)”;

Planning approvals for comprehensive development

- (d) five planning applications (No. A/TP/256, A/TP/267, A/TP/318, A/TP/319 and A/TP/333) for comprehensive development within the “CDA(1)” zone

were approved with conditions by the Committee or the Director of Planning (D of Plan) under delegated authority of the Board between 2000 and 2004;

- (e) according to the Master Layout Plan (MLP) and development schedule of the latest approved planning application No. A/TP/333, the comprehensive development consisted of the “Development Portion” and “Agricultural Portion”. The Development Portion would be developed in phases, i.e. Phase One and subsequent phase. Land exchange for Phase One development and the Agricultural Portion was executed in 2007 (now known as TPTL 183 S.A and 183 RP with a total area of about 12.63 ha. Construction works of Phase One, comprising eight residential blocks ranging 19-28 storeys, and the Agricultural Portion commenced in 2009 were anticipated for completion in 2015/16. There was no firm programme for the subsequent phase to commence. It should be noted that about 5.74 ha of land within the “CDA(1)” zone had not been included in the subject land exchange. About 3.62 ha were private land and among them about 1.57 ha fell within the village ‘environs’ (‘VE’) of Fung Yuen;

- (f) the current site under application for Small Houses was located at the periphery of the Development Portion annotated as “private lot owned by others, existing agricultural” on the MLP and no specific use or development was proposed for the site. There were other pockets of land scattered within the “CDA(1)” zone as shown on the approved MLP and some of them were surrounded by the approved comprehensive development;

Similar applications for Small House development

- (g) there were 14 similar applications for NTEH/Small House in the vicinity of the site since the first promulgation of the Interim Criteria on 24.11.2000. 10 of the applications (No. A/TP/335, 339, 340, 341, 369, 370, 371, 372, 373 and 378) were assessed under the criteria of the earlier 2003 version of the Interim Criteria which was later replaced by the prevailing set

promulgated on 7.9.2007. The other four applications (No. A/TP/411, 438 and 462 and 463) were assessed according to the prevailing Interim Criteria;

- (h) six of the approved planning applications (No. A/TP/339, 340, 370 to 373) between 2004 and 2006 were given favourable consideration in that the proposed Small Houses were located within the 'VE' of Fung Yuen village and more than 50% of their footprints fell within "V" zone. Under the 2003 version of the Interim Criteria, favourable consideration could be given even if there was no general shortage of land in meeting the demand for Small House development within "V" zone if the footprint was within 'VE'. Also, the concerned departments had no in-principle objections to the applications and the sites did not form part of the re-grant lot for the comprehensive development in the "CDA(1)" zone, hence, the proposed Small House developments would not jeopardise the implementation of the approved comprehensive development;
- (i) applications No. A/TP/378 (covering the same site as application No. A/TP/341) and 438 (covering part of the site of applications No. A/TP/339 and 340) were approved with conditions by the Committee in 2006 and 2009 respectively mainly on the grounds of general compliance with the Interim Criteria in that the sites were located entirely within the 'VE', there was a general shortage of land within the "V" zone for Small House development at the time of consideration and the proposed developments were compatible with the surrounding area and would not cause adverse traffic, environmental and sewerage impacts. As for application No. A/TP/438, consideration was also given that the site was subject of previous approvals under applications No. A/TP/339 and 340, and their building licences had been executed in 2007;
- (j) application No. A/TP/411 situated in the southern end of the "CDA(1)" zone was approved by the Committee in 2008 mainly on the grounds that the proposed Small House site did not form part of the re-grant lot for the comprehensive development, no adverse impacts on the surrounding areas

were anticipated and the capacity of existing and planning infrastructure would not be overstrained. It was also considered that there were scopes for future adjustment of the zoning boundary to incorporate the area left over from the “CDA(1)” zone in the adjoining “V” zone;

- (k) the remaining one, application No. A/TP/369, was for redevelopment of a dilapidated NTEH rather than a new Small House and approved by the Committee in 2006. The site was largely (about 89%) within the “V” zone whilst the remaining portion (about 13m² or 11%) fell within the “CDA(1)” zone. The application was approved on considerations that the site was covered by a building licence and the proposed redevelopment was not incompatible with the surrounding environment and would not overstrain the capacity of the existing and planning infrastructure;

Circumstances in rejecting similar applications

- (l) four applications (No. A/TP/335, 341, 462 and 463) were rejected by the Committee or the Board on review in 2004 to 2014, mainly on the grounds that the applications were not in line with the planning intention of the “CDA(1)” zone and/or did not comply with the Interim Criteria in that there was no general shortage of land in “V” zone for Small House development and the applicants failed to demonstrate that land was not available within the “V” zones for such development. It should be noted that the Small House footprints of applications No. A/TP/462 and 463 rejected on 7.3.2014 were located entirely within the “CDA(1)” zone and their circumstances are similar to those of the current application under consideration; and

PlanD’s views

- (m) PlanD maintained its view of not supporting the application based on the assessments in paragraph 3 of the Paper. The reasons were the same as those in paragraph 13.1 of the RNTPC Paper No. A/TP/577 which included:

- (i) the proposed Small House developments did not comply with the Interim Criteria for assessing planning application for NTEH/Small House development in the New Territories in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone. The applicants failed to demonstrate in the submission why land within “V” zone could not be made available for the proposed developments; and
- (ii) the approval of the application would set an undesirable precedent for other similar developments to proliferate into the “CDA(1)” zone, thereby defeating the planning intention for comprehensive development of the area.

89. The Chairman said that similar applications in the vicinity had been approved during 2004 and 2009 under applications No. A/TP/339, 340, 378 and 438 and asked why the current application was recommended to be rejected. In response, Mr C.T. Lau, STP/STN said that for the Interim Criteria promulgated in 2003, favourable consideration would be given even if there was no general shortage of land in meeting the demand for Small House development within “V” zone if the footprint of the Small House was within ‘VE’ and falling partly within “V” zone. As for the subject application, it did not comply with the prevailing version of Interim Criteria in that there was no general shortage of land in meeting the demand for Small House development in the “V” zone.

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

90. A Member asked what the difference was between the Interim Criteria in 2003 and the current version in respect of shortage of land in “V” zone. In response, Mr Lau made reference to Appendix FA-5 and said that the Interim Criteria in 2003 was more lenient than the current version in that as long as the footprint of the Small House was within ‘VE’ and falling partly within “V” zone, favourable consideration would be given even if there was no shortage of land in “V” zone.

91. The Chairman noted the site had been zoned "V" and asked why the site was rezoned from "V" to "CDA(1)" and what the permitted land uses of the site in the approved MLP. In reply, Mr Lau said that in 1994, when the "OU(CRA)" zone was rezoned to "CDA", "V" and "GB" and "G/IC", objections were received. On 15.8.1997, the Board agreed to partially meet the objections and decided to propose amendments to the draft OZP by rezoning an area in Fung Yuen Valley together with an area to the north of the Lau Hang from "GB", "V" and "CDA" to "CDA(1)". According to the approved MLP, the site was annotated as "private lot owned by others, existing agricultural" and no specific use or development was proposed for the site.

92. A Member asked whether the site should be included in the approved MLP as it was not acquired by the applicant of the MLP. In response, the Chairman said that the site fell within the "CDA(1)" zone and the MLP was required to cover the entire "CDA(1)" zone.

93. Another Member asked whether the site by itself could be developed for Small House despite it was zoned "CDA(1)". In response, Mr C.K. Soh, DPO/STN, said that the site fell within the 'VE' where application for Small House was allowed.

94. The Vice-chairman also asked whether there was a program for de-zoning upon the completion of the "CDA(1)" development and, given a comprehensive residential development was just located to the immediate north and east of the site, what would be the most appropriate form of development for the site from the perspective of the integration between urban and rural development, for example, whether a buffer area was required. In response, Mr Soh said that the "CDA(1)" would be developed in two phases. The construction of Phase One (Mont Vert) was largely completed but there was no firm program for the subsequent phase. The developer could apply for land exchange for the subsequent phase after it had acquired the necessary private land therein. As the developer had applied a plot ratio of 0.64 to all the land owned by him and the building blocks were mainly located in the "Development Portion" of Phase One of the "CDA(1)" site, the resulting build form of Phase One was not low-rise. However, it was not uncommon in new towns to have village type development in close proximity to urban type development. Ideally, a more graduate transition would be preferred and it would be better if buffer area could be provided.

95. The Vice-chairman further asked if it was an option to rezone the remaining “CDA(1)” site to a separate “CDA” zone when the northern part of the existing “CDA(1)” zone had been completed and what would be the most appropriate arrangement in planning terms for the development of the remaining areas. Mr Soh said that by referring to the development schedule of the MLP of the “CDA(1)” site, land yet to be acquired for the subsequent phase within the remaining “CDA(1)” zone were mainly scattered agricultural land parcels. It was undesirable to have pockets of high-density residential developments individually within the “CDA(1)” zone.

96. The Chairman asked why Small Houses were developed at the two sites (Lot 208 S.B ss.1 S.B and 208 S.B ss.1 S.C) to the west of the subject application sites. In reply, Mr Lau said that two Small Houses were granted when the site were zoned “V” in 1996 before they were subsequently rezoned to “CDA(1)”.

[Mr Philip S.L. Kan left the meeting at this point.]

Deliberation Session

97. The Chairman said that Members might consider whether there was any incompatibility between the proposed Small House development and the existing “CDA(1)” development and whether the planning history of the site should be taken into consideration.

98. Two Members said that there was no incompatibility as the village houses were there much earlier than the development of Mont Vert. It was also considered that the development of a few Small Houses would have insignificant impact on the CDA development.

99. The Vice-chairman said that it would be desirable if the remaining “CDA(1)” site not covered by the Mont Vert development could be rezoned to enable better land utilization. As there was no firm program for the rezoning, he had no objection to approve the application.

100. Another Member had no objection to the application but considered that the current layout of the Small Houses was a bit tight. The Chairman suggested and the

meeting agreed that refinement to the layout to address the Member's view at the meeting could be further considered when processing the Small House application under the lease.

101. After further deliberation, the TPB 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 13.3.2019, 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) provision of septic tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands or of the Town Planning Board;
- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the Town Planning Board; and
- (c) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the Town Planning Board.”

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

- “(a) to note the comment of the Director of Environmental Protection that the design, construction and operation of the septic tank and soakaway pit system shall meet the requirements as set in the Professional Persons Environmental Consultative Committee Practice Notes 5/93 ;
- (b) to note the comments of the Commissioner for Transport that the existing access near the site is not under the Transport Department (TD)'s management. Land status, management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly to avoid potential land dispute;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that:

- (i) there is no existing DSD maintained public drains available for connection in this area;
 - (ii) any existing flow path affected should be re-provided. The proposed developments should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas. The applicants/owners are required to maintain such 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; and
 - (iii) there is an existing public sewerage but at a distance of over 100m from the site;
- (d) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed developments, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comment of Director of Fire Services that the applicants are reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if

there is underground cable within or in the vicinity of the site, the applicants shall carry out the following measures:

- (i) prior to establishing any structure within the site, the applicants and/or their contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable away from the vicinity of the proposed structure; 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 applicants and their contractors when carrying out works in the vicinity of the electricity supply lines; and
- (g) 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 developments, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works. ”

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

[Ms Janice W.M. Lai, Ms Christina M. Lee and Mr F.C. Chan left the meeting temporarily at this point while Dr C.P. Lau returned to join the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr Otto K.C. Chan, 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 Items 19 and 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/228 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” zone, Lot 1639 RP in D.D. 92, Tsung Pak Long Tsuen,
Sheung Shui
(RNTPC Paper No. A/FSS/228)

A/FSS/229 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 1639 S.A in
D.D. 92, Tsung Pak Long Tsuen, Sheung Shui
(RNTPC Paper No. A/FSS/229)

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

103. The Committee noted that the two applications were similar in nature (Small House) and the application sites (the sites) were close to each other. The Committee agreed that the two applications should be considered together. The Committee noted that the replacement page (page 1) of each application had been tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the applications;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Commissioner for Transport (C for T) had reservation on the applications but considered that

the applications only involved construction of two Small Houses and could be tolerated unless they were rejected on other grounds;

[Mr F.C. Chan and Mr Victor W.T. Yeung returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory public inspection period, two public comments were received for each of the applications. The member of the North District Council supported the applications on the grounds that the proposed Small Houses would benefit villagers whilst Designing Hong Kong Ltd. objected to the applications on the grounds that the sprawling of small houses was incompatible with the “Green Belt” (“GB”) zoning intention and character of the area where approval of the cases would further degrade the environment; inadequate provisions of road and parking area led to disharmony among residents and illegal behaviour; no impact assessment had been completed and the cumulative impact of developments would result in contamination of ground waters and nearby water bodies; and stressed the need to adhere to the long established planning principles and planning intention of the “GB” zone which was to safeguard it from encroachment by urban type development, and to provide recreational outlets;
- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Chairman of Sheung Shui District Rural Committee and two of the three Indigenous Inhabitant Representatives (IIRs) of Tsung Pak Long supported the applications whilst the North District Council member of the subject constituency, the other IIR and the Resident Representative of Tsung Pak Long had no comment on the applications; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers. The applications generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that both the sites and the footprint of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Tsung

Pak Long, and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of the same village. The applications also generally complied with the relevant The Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the sites were in close proximity to the village proper of Tsung Pak Long and there was insufficient land to meet the Small House demand. The proposed Small House development would not have significant adverse impact on environment, traffic and drainage of the surrounding environment. Regarding the public comments, the planning assessments and comments of the relevant government departments were relevant.

105. The Vice-chairman said that the number of outstanding Small House applications for Tsung Pak Long was 99 and about 2.43 ha (or equivalent to about 97 Small House sites) of land were available within the “V” zone of Tsung Pak Long. Referring to Plan A-2 of the Paper, the Vice-chairman asked whether the area with converted containers to the north of the sites were included in the land estimated available for Small House development. In response, Mr Otto K.C. Chan said that part of the area was densely wooded which had not been included in the calculation for Small House development.

[Ms Christina M. Lee returned to join the meeting at this point.]

Deliberation Session

106. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 13.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

- “(a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and

- (b) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed developments, 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;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows :
 - (i) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards; and
 - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) on the sewerage proposal as follows :

- (i) the details of the proposed terminal manholes such as invert levels and cover levels should be shown on the sewerage proposal;
- (ii) the proposed terminal manhole for each lot should connect to the different manhole for sewage discharge unless the two lot owners are the same person;
- (iii) the proposed sewer pipe (150mm) between the proposed terminal manhole and the public manhole are prone to be blockage. Please adopt a larger size of the proposed sewer pipe;
- (iv) the invert level of the proposed sewer inlet pipe at the existing manhole no. FMH1028088 should be shown on the sewerage proposal;
- (v) the applicant should conduct site checking to confirm invert levels of the public sewerage to which the sewage from the site is proposed to be discharged;
- (vi) all the proposed sewerage works including the existing terminal manhole, whether within or outside the lot boundary, should be constructed and maintained by the lot owner at their own expense. For works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from the District Lands Officer/North and/or relevant private lot owners; and
- (vii) upon completion of the works, the applicant should apply to DSD for audit of the drainage connections, using an “HBP1” form. The applicant may visit DSD’s website for details of connection audit fees and arrangements.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/239 Proposed Temporary Shop and Services (Florist and Gardening Shop)
for a Period of 3 Years in “Open Space” zone, Lot 2874 (Part) in
D.D.104, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/239B)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and services (florist and gardening shop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;.
- (d) the District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) relayed a letter from the management office of Royal Palms which commented that the site was originally a fish pond and pond filling activities took place in 2009;
- (e) during the first three weeks of the statutory public inspection periods, four objecting comments were received; a private individual, the Owners’ Committee of Royal Palms and the Royal Palms Management Services Office representing the Owners’ Committee of Royal Palms mainly on the grounds that the site was originally a fish pond; pond filling activities took place in 2009 which was considered an unauthorized development (UD);

adverse impact on road safety; and the proposed commercial use within container structures at the site would create nuisance and visual impact to the nearby residents; and

- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. Approval of the application for a period of 3 years would not frustrate the long-term planning intention of the “Open Space” zone. The proposed florist and gardening shop was considered not incompatible with the surrounding land uses comprising residential development (i.e. Royal Palms), temporary real estate agency and temporary restaurant. As for local concern on pond filling activities, the site was once subject of three enforcement cases against UDs in 2009, 2012 and 2014 and the Chief Town Planner/Central and Enforcement and Prosecution, PlanD confirmed that currently, the site was not subject to enforcement action. Regarding the public comments, the planning assessments and comments of the relevant government departments were relevant.

109. Members had no question on the application.

Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 6:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container/tractor as defined in the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;

- (c) 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 13.9.2015;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.12.2015;
- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015;
- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2015;
- (g) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2015;
- (i) the provision of boundary fencing on the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (j) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (c), (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease

to have effect and shall on the same date be revoked without further notice;
and

- (l) upon 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.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note 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;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site under application comprises Old Scheduled Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The site is accessible from Castle Peak Road – Mai Po via both Government land (GL) and private land. LandsD provides no maintenance works for the GL involved and does not guarantee right-of-way. Should planning approval be given, the lot owner(s) concerned will still need to apply to LandsD 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 term and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the 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 respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the Building (Planning) Regulations at the building plan submission stage;

- (f) to note the comments of the Director of Environmental Protection (DEP) that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance. The applicant should implement good site practices and good housekeeping to avoid causing environmental impacts to the surrounding areas. Wastes from the mobile

toilets shall be properly collected and tanked away at regular intervals;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that he has no comment on the application since the proposed location is not under jurisdiction of HyD. HyD is/shall not be responsible for the maintenance of the existing vehicular access connecting the site and Castle Peak Road – Mai Po;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent area. No public sewerage maintained by DSD is currently available for connection. For sewerage disposal and treatment, agreement from DEP shall be obtained. The applicant is reminded that the proposed drainage proposal/works as well as the site boundary should not cause encroachment upon areas outside her jurisdiction. The applicant should consult DLO/YL regarding all the proposed works outside the site boundary in order to ensure the unobstructed discharge from the site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at her own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during occupancy of the site; and

- (i) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS 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 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.”

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/235 Public Utility Installation (Proposed Ancillary Working Platforms and Maintenance Footpath to Existing Electricity Tower No. 4DYC7), Compensatory Wetland and Proposed Excavation of Land (about 0.3m deep for Maintenance Footpath and 0.8m deep for Compensatory Wetland) in “Conservation Area” zone, Government land near Wing Kei Tsuen (Electricity Tower No. 4DYC7), Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/235)

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

- | | |
|---------------------|---|
| Ms Christina M. Lee | - being the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from CLPP |
| Dr W.K. Yau | - being the Member of the Education Committee and the Energy Resources Education Committee of CLPP |

113. Members considered that Ms Christina M. Lee and Dr W.K. Yau had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

[Ms Anita W.T. Ma left the meeting at this point and Mr Edwin W.K. Chan returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;

- (b) public utility installation (proposed ancillary working platforms and maintenance footpath to existing electricity tower No. 4DYC7), compensatory wetland and proposed excavation of land (about 0.3m deep for maintenance footpath and 0.8m deep for compensatory wetland);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix II of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper.

115. Members had no question on the application.

Deliberation Session

116. 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 13.3.2019, 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 condition :

- “the implementation of compensatory wetland and ecological mitigation measures identified in the accepted Ecological Assessment Report to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structures and excavation work are allowed to be erected and carried out without the prior approval of the Government. LandsD provides no maintenance work for the Government land (GL) involved and do not guarantee any right-of-way. The applicant will need to apply to LandsD to permit the structures to be erected or any excavation works on the GL. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be made subject to such terms and conditions, including among others the payment of administrative fee, premium or fee, as may be imposed by LandsD;
- (b) to note the comments of the Commissioner of Transport that as the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department, the land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. To consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works; and
- (d) to note the comments of the Director of Electrical and Mechanical Services that a minimum of 7.6 metres vertical clearance between the overhead lines and the top of the structure and a minimum of 5.5 metres clearance at all directions must always be maintained. The contractor should agree with

CL Power Hong Kong Limited (CLPP) on the safety precautions required for carrying out any works in the vicinity of the 400kV overhead lines. In any time during and after construction, CLPP shall be allowed to get access to the 50 metres working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work as necessary. Where aircraft, including helicopters, are to be used in the vicinity of the concerned overhead lines; advice must be sought from the Director of Civil Aviation and CLPP. 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. As regards the electric and magnetic fields arising from the transmission overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity.”

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of recyclable metal with ancillary office for a

period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application because there were residential dwellings within 100m of the site or within 50m of the access road to and from the site and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that concerned government departments had no adverse comment on or no objection to the application on conservation, traffic, drainage and landscape aspects. As for the DEP's concern, there was no record on environmental complaint related to the site in the past 3 years and the nearest residential dwelling was about 38.5m to the northwest of the site, which was separated from the site by Castle Peak Road – San Tin. Since 2008, the Committee had approved a total of 8 applications for similar uses within the same "Residential (Group D)" zone. Approval of the current application was in line with the previous decisions of the Committee.

119. Members had no question on the application.

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

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the setting back of the eastern and southern boundaries of the site to avoid encroachment upon the resumption limit of the project ‘Cycle Tracks Connecting North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui’ as and when required by the Government to the satisfaction of the Director of Lands or of the TPB;
- (b) no operation between 6:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no dismantling, repairing, cleansing or any other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2015;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2015;

- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2015;
- (k) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (l) in relation to (k) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

- (c) the 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;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without the prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 422m² subject to verification) included into the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Castle Peak Road – San Tin via GL. LandsD provides no maintenance works to the GL involved and does not guarantee right-of-way. Should planning approval be approved, the lot owner concerned will need to apply to LandsD to permit the 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(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The access from the site to Castle Peak Road – San Tin is not and shall not be maintained by HyD;

- (f) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to D of FS for approval. The applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; and (iii) good practice guidelines for open storage. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing 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;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be maintained by the applicant at his own cost. The applicant should ensure and keep all drainage facilities on site under proper maintenance during the planning approval period. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the drainage works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future; and

- (i) 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 potential environmental impacts on the surrounding areas.”

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-ST/459

Temporary Public Car Park (Private Vehicles and Light Goods Vans) with Ancillary Facilities (Including Canteen and Site Office) for a Period of 3 Years in “Village Type Development” zone, Lots 153 (Part), 154 S.A (Part), 155 (Part), 156, 157 (Part), 194 S.A (Part), 194 S.B (Part), 195 (Part), 196 (Part) and 199 RP (Part) in D.D.102 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/459)

122. The Committee noted that the applicant requested on 24.2.2015 for deferment of the consideration of the application for two months in order to allow time for preparation of responses to address the comments of the District Lands Officer/Yuen Long, Lands Department. This was the first time that the applicant requested for deferment of the application.

123. 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/203 Temporary Office with Ancillary Storage Area and Car Parking for a
Period of 3 Years in "Village Type Development" zone, Lot 1289 S.F
RP in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/203)

Presentation and Question Sessions

124. 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) temporary office with ancillary storage area and car parking 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 comments on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received. The village representatives of Sheung Tsuen objected to the application on the grounds that the location of the proposed development would cause nuisance to the local residents and the proposed ingress/egress would pose danger to drivers and villagers; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. Approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “V” zone, as there was no Small House application received at the site. Concerned government departments had no objection to or no adverse comments on the application. Since the last approval was revoked, shorter compliance period was recommended to monitor the fulfilment of approval conditions. Regarding the public comment, the planning assessments were relevant.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00p.m. and 9:00a.m. on Mondays to Fridays, as proposed by the applicant, is allowed on the site during the planning

approval period;

- (b) no operation on weekends and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (e) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015;
- (f) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (g) if the above planning condition (e) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

127. 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) shorter compliance period is imposed to monitor the progress of the compliance. Should the applicant fail to comply with the approval

conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the TPB to any further application;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. The site is accessible to Kam Sheung Road via Government land (GL). LandsD provides no 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 any 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 Commissioner of Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should construct a run in/out at the access point at Kam Sheung Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to alleviate any potential environmental nuisance;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct the overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried outside his lot boundary before commencement of the drainage works;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion work affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m measuring from the centerline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have the free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (i) to note the comments of the Director of Fire Services (D of FS) that if the proposed structure(s) is required to comply with the Buildings Ordinance

(BO), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. No open storage of combustibles should be involved. The installation/maintenance/modification/repair work of FSIs shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall issue a certificate (FS 251) to the person on whose instruction of the work was undertaken after completion of the installation/maintenance/ modification/repair work and forward a copy of the certificate to D of FS;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the subject application. Before any new building works (including containers / open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority 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. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance 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. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor shall approach the electricity

supplier for the requisition of cable plans and overhead line alignment drawings, where applicable to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier is necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his 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 Mr Otto K.C. Chan, Mr K.T. Ng and Mr Kepler S.Y. Yuen, STP/FSYLE, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

128. The Secretary reported that Environ Hong Kong Ltd. (Environ) and Landes Ltd. (Landes) were two of the consultants of the applicant. The following Members had declared interests in this item:

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

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

129. The Committee noted that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had no involvement in the application, and agreed they should be allowed to stay in the meeting.

Presentation and Question Sessions

130. 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) proposed flat development;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from landscape point of view as there was doubt on whether the proposed residential development

could provide adequate common greenery area. The Director of Housing (D of H) did not support the application as the site encroached upon the public housing site at San Hing Road and would affect the flat production;

- (d) the District Officer (Tuen Mun), Home Affairs Department advised that residents nearby such as the Indigenous Inhabitant Representative of San Hing Tsuen and Tse Tin Tsuen, Village Committee of Tuen Mun Heung San Hing Tsuen and other indigenous villages had expressed their great concerns in similar planning application in this area, such as adverse impacts on traffic, environmental (noise, water, air quality and visual), drainage and 'fung shui' aspects during and after the construction period. Villagers also expressed their concerns on the competition for the insufficient community facilities with the potential residents nearby;
- (e) during the first three weeks of the statutory public inspection period, nine public comments were received. A villager of San Hing Tsuen supported the application on the grounds that the proposed development was in line with planning intention, would phase out incompatible uses, increase housing supply and no insurmountable industrial-residential (I/R) interface problem would be envisaged. A member of the Tuen Mun District Council submitted 2 public comments with different context which supported the application on condition that the proposed development would not affect the traffic condition of the local village(s), and commented that the developer of the proposed development should respect the views of the Village Representative (VR) and villagers of San Hing Tsuen. There were three objections from villagers of San Hing Tsuen on the ground of adverse environmental impact. Another two comments were from the VR of San Hing Tsuen, who initially objected to the application on the grounds of adverse traffic, environmental and 'fung shui' impacts, but later expressed no objection to the application subject to adequate traffic, environmental, drainage and sewerage mitigation measures. The Mass Transit Railway Corporation Limited commented that the noise from train operations from the West Rail Line and Light Rail system might be a potential impact on future occupants of the proposed development and

suggested that implementation of adequate noise mitigation measures should be required as an approval condition; and

- (f) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The development intensity (including plot ratio, site coverage and building height) of the proposed development complied with the development restrictions of the “Residential (Group E)” (“R(E)”) zone. As for CTP/UD&L's concerns on greenery area, it could be addressed through imposition of relevant approval condition. As for D of H's objection, the Committee on 17.10.2014 approved a similar Application No. A/TM-LTY/273 in the same “R(E)” zone for proposed residential development (flat) on considerations that the proposed development was in line with the planning intention and development restrictions of the “R(E)” zone and that the I/R interface and other technical issues of the proposed development had been adequately addressed. The approval of the application was in line with the Committee's previous decision. Regarding the public comments, the planning assessment and comments of the relevant government departments were relevant.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.3.2019, 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 design and reprovision of the existing public carpark at the junction of San Hing Road and Ng Lau Road and the associated vehicular access connecting to San Hing Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;

- (b) the provision of vehicular access, parking and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of a noise impact assessment and implementation of noise mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of a sewerage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of a revised drainage impact assessment and implementation of the mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (g) the submission and implementation of tree preservation and landscape proposal 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) that the approval of the application does not imply that the proposed building design elements could fulfill 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 BA and the Lands Authority and major changes to the

current scheme are required, a fresh planning application to the TPB may be required;

- (b) to note the comments of the District Lands Officer/Tuen Mun, LandsD that the proposed residential development contravenes the lease conditions of the lots. The applicant will need to apply to LandsD for a land exchange for implementation of the development proposal. The proposal will only be considered upon receipt of formal application from the applicant. He would also advise that there is no guarantee that the application, if received by LandsD, will be approved and he reserves his comment on such. The application will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event that the application is approved, it would be subject to such terms and conditions as the Government shall deem fit to do so, including, among others, charging of premium and administrative fee. Regarding the proposed vehicular access points, the proposed vehicular access arrangement will interfere with the operation of an existing public carpark and since the public facilities are affected, public consultation is required to ascertain the feasibility of the applicant's proposal. If the implementation of the proposed modification works to the existing public open carpark involves the statutory procedures under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) or any other relevant ordinance, the applicant will be liable to pay Government all the costs on such works including, among others, administrative costs and non-administrative costs. It appears from the Lot Index Plan and the architectural drawings that parts of the site may be being occupied by occupier of the adjoining lots. In case the possession of this strip of land could not be recovered by the applicant, the developable site area would be reduced correspondingly;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that 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, viz. building separation, building setback and site coverage of greenery should be

included, where possible, in the conditions in the planning approvals. In this connection, the Sustainable Building Design Guidelines set out in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-152 may only be implemented in the building plan approval stage under the Buildings Ordinance (BO) when the proposed building development applies for gross floor area 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). Regarding the carparking spaces on G/F, they will be 50% GFA accountable subject to the compliance with the requirements in PNAP APP-2 and 111. Before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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. Detailed comments will be provided in the building plan submission stage;

- (d) to note the comments of the Director of Environmental Protection that the applicant is required to make the applicant's own connection for discharging sewage arising to the public sewerage system. The applicant is reminded to implement appropriate pollution control measures to minimize the environmental impact during the construction stage. Detailed comments are at Appendix IV of the Paper;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD is not and shall not be responsible for the maintenance of any existing vehicular access connecting the site and San Hing Road. The existing public open carpark adjacent to the site is not under HyD's maintenance. The applicant is responsible for the modification works up to the satisfaction of the Transport Department/HyD and appropriate engineering conditions should be included in the respective land lease;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that it is the applicant's responsibility to provide proper sewerage facilities for the proposed development. Detailed comments are at Appendix IV of the Paper;
- (g) 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 or referral from relevant licensing authority. The emergency vehicular access provision in the site shall comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under Building (Planning) Regulation 41D which is administered by BD;
- (h) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that appropriate architectural treatment is suggested to be further reviewed to enhance the elevations of the building blocks in the detail designed stage;
- (i) to note the comments of the Director of Electrical and Mechanical Services that there are 400kV extra high voltage overhead lines running along the southern part of the site. Due consideration shall be given to the requirements of the preferred working corridor of 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines (i.e. a 50m working corridor shall be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). Prior to

establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the CLP Power Hong Kong Limited (CLPP) and, if necessary, ask the CLPP 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 Line" established under the Electricity Supply Lines (Protection) Regulations shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines. As regards to the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity; and

- (j) to note the comments of the Director of Leisure and Cultural Services that if the development will affect any trees, the project proponent should observe the Development Bureau Technical Circular (Works) No. 10/2013 for necessary tree preservation."

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/473 Renewal of Planning Approval for "Temporary War Game Centre" for a Period of 3 Years in "Recreation" zone, Lots 347 (Part), 348 (Part), 349 (Part), 350 (Part), 355 S.B (Part), 356 (Part) and 357 (Part) in D.D. 126, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/473)

Presentation and Question Sessions

134. 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) renewal of planning approval for “temporary war game centre” for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

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

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. The application was for renewal of the permission under previous Application No. A/TM-LTYYY/374 for the same development. The development was in line with Town Planning Board Guideline on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (PG-No. 34B) in that there was no material change in planning circumstances since the last permission; no adverse planning implication was envisaged; all approval conditions of the previous permission had been complied with; and the applied period was the same as that of the previous permission.

135. Members had no question on the application.

Deliberation Session

136. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.3.2015 to 27.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the maintenance of landscape works on the site at all times during the planning approval period;
- (d) the maintenance of fencing on the site at all times during the planning approval period;
- (e) the submission of fire service installations proposal within 6 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.9.2015;
- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of commencement of renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.12.2015;
- (g) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (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; and
- (i) 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.”

137. 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) 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 remove 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 Scheduled 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 Tin Wah Road via a local track on both Government land (GL) and other private lots. LandsD provides no maintenance works to the GL involved and does not guarantee right-of-way. The lot owner(s) will need to apply to LandsD to permit the structures to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is 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 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 House), 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 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 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 the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (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 the purview of TD. 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 HyD shall not be responsible for the maintenance of any access connecting the site and Tin Wah Road;

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

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Department for approval. For storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved applicant shall be provided as required by occupancy and shall be clearly indicated on plans. 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. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration; 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/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity 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 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/474 Proposed Filling of Land for Permitted New Territories Exempted Houses (Small Houses) in “Village Type Development” zone, Lots 183 S.A, 183 S.B, 188 S.B ss.1, 188 S.B ss.2 in D.D. 123, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/474)

Presentation and Question Sessions

138. 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) proposed filling of land for permitted New Territories Exempted Houses (Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, four public comments were received. A member of the Yuen Long District Council raised concern on the need for 1.3 m high of land filling, and

would like to know whether Small House applications at the site had been approved. Designing Hong Kong Limited objected to the application. The major grounds were that there was suspected unauthorized filling of land at the site; and there was no detail to confirm the filling was for farming. World Wild Fund for Nature Hong Kong objected to the application. The major grounds were that the site was a water pond and of potential ecological importance; there was no assessment to demonstrate no adverse drainage, landscape and ecological impacts; and approval would set undesirable precedent. Kadoorie Farm & Botanic Garden Corporation expressed concerns on the application and urged the Committee to reject the application. The major concerns were that a large part of the site was wet/water-logged and filling would lead to a loss in wetland; access to/from the site was not indicated; and no information on sewage disposal arrangement as using septic tank would cause water pollution; and approval would set undesirable precedent; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The proposed land filling to facilitate Small House developments was considered in line with the planning intention of the “Village Type Development” (“V”) zone. Although the Director of Agriculture, Fisheries and Conservation had concern on loss of wetland and did not prefer filling of land from nature conservation point of view, he noted that the site was within “V” zone and under private ownership, and the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) already approved the Small House applications at the site. There was 1 similar approved application within the same “V” zone. Approval of the application was in line with the previous decision of the Committee. Regarding the public comments, the planning assessments and comments of the relevant government departments were relevant.

139. Members had no question on the application.

140. 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 13.3.2019, 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 drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the implementation of drainage proposal including drainage mitigation measures identified therein upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the TPB; and;
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the registered lot owners should inform LandsD that planning applications were obtained. The applicants’ Small House applications would be further processed by LandsD acting in the capacity of a landlord at its sole discretion;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that site formation works and drainage works are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the

coordinator for the proposed site formation and/or drainage works in accordance with the BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation and/or drainage works in the New Territories under the BO (Application to the New Territories) Ordinance. The applicants may approach DLO/YL, LandsD or seek AP's advice for details;

- (c) to note the comments of the Director of Environmental Protection that the applicants are reminded to make reference to the requirements in the Hong Kong Planning Standards and Guidelines, in particular the Environmental Protection Department Practice Note for Professional Persons (ProPECC PN) 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" when designing the septic tank and soakaway systems;
- (d) to note the comments of the the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable Government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of the inside services within the private lots to the WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicants are advised to follow New Territories Exempted Houses – A Guide to Fire Safety Requirements issued by LandsD; and
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicants 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 published by Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicants and the applicants' contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity 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 applicants' contractors when carrying out works in the vicinity of the electricity supply lines."

Agenda Item 29

Section 16 Application

[Open Meeting]

A/TM-SKW/90 Temporary Barbecue Area (for a Period of 3 Years) in "Village Type Development" zone, Lots 263 S.B (Part) and 268 (Part) in D.D. 385 and Adjoining Government Land, Tai Lam Chung, Tuen Mun
(RNTPC Paper No. A/TM-SKW/90A)

142. The Committee noted that the applicant requested on 6.3.2015 for deferment of the consideration of the application for two months in order to allow time to address the comments of the Director of Environmental Protection and the Chief Buildings Surveyor/New Territories West, Buildings Department. This was the applicant's second request for deferment.

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

could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since it was the second deferment of the application, the Committee agreed to advise the applicant that the Committee had allowed a total of four months for preparation of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

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

144. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicants. Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ. As the applicant had requested for a deferment of the consideration of the application, the Committee noted that Mr Ivan C.S. Fu had no involvement in the application, and agreed that he should be allowed to stay in the meeting.

145. The Committee noted that the applicants requested on 26.2.2015 for deferment of the consideration of the application for two months in order to allow additional time to address the comments of the Commissioner for Transport and Director of Environmental Protection. This was the fourth time that the applicants requested for deferment of the application.

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

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/936 Temporary Open Storage of Construction Materials and Construction Machinery, Warehouse and Container Vehicle Park for a Period of 3 Years in "Comprehensive Development Area" zone, Lots 844 RP (Part) and 845 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/936)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction materials and construction machinery, warehouse and container vehicle park 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 receivers in the vicinity of the site (the nearest residential dwelling was 8m

away) and along the access roads (Ping Ha Road) and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary open storage of construction materials and construction machinery, warehouse and container vehicle park could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. The development was in general in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no adverse comment from concerned government departments except DEP. While DEP did not support the application because there were sensitive receivers in the vicinity of the site (the nearest dwelling being about 9m away) and along the access roads (Ping Ha Road), there was no environmental complaint against the site over the past 3 years. Since granting the previous approval (A/YL-HT/908), there had been no material change in the planning circumstances.

148. Members had no question on the application.

Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, 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 approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) no cutting, dismantling, cleaning, repairing, compacting, vehicle repair and workshop activity, is allowed on site at any time during the planning approval period ;
- (e) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities on-site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2015;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2015;
- (j) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.4.2015;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire

Services or of the TPB by 13.9.2015;

- (l) in relation to (k) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2015;
- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) the site should be kept in a clean and tidy condition at all times;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note 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;

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No permission has been given for the proposed use and/or occupation of the Government land (GL) (about 970m² subject to verification) included into the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Ping Ha Road via GL. LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit structures to be erected or regularize any irregularities on-site. The applicant has to either exclude the GL portion from the site or apply to him for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (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 Chief Engineer/Mainland North, Drainage Services Department that existing drainage facilities should be rectify if they are found inadequate/ineffective during operation;
- (g) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site. The local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same local track should be clarified with relevant lands and maintenance authorities;

- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that with reference to recent site visit it is observed that the tree at the eastern boundary is in poor condition, and replacement of this tree is required. Besides, tree planting opportunity is available along the site boundary. Furthermore, it is noted that objects are stacked over the tree planting area. Hence, an updated landscape proposal as well as tree preservation proposal should be submitted;
- (j) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans. The requirements of formulating fire service installations proposal is stated in Appendix V of the Paper; and
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any approved use under the application. Before any new building works including containers/open shed 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 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 application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/938 Temporary Vehicle Service Centre for a Period of 3 Years in
"Comprehensive Development Area" zone, Lot 826 S.B RP (Part) in
D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/938)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle service centre for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary vehicle service centre could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. The development was in line with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no adverse comment from other concerned government departments. The Committee had approved 7 previous applications for the temporary public vehicle park and temporary vehicle service centre uses since 2001. There was no change in the planning circumstances pertaining to the site since the approval of the last planning application.

152. Members had no question on the application.

Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (c) no vehicle spraying activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no vehicle queuing back to public road and reverse onto/from the public road is allowed at any time during the planning approval period;
- (e) the implementation of the accepted drainage proposal within 6 months to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2015;
- (f) in relation to (e) above, the implemented drainage facilities should be maintained at all times during the planning approval period;
- (g) the submission of a run in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.9.2015;
- (h) in relation to (g), the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 13.12.2015;
- (i) the submission of a tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (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 13.12.2015;
- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015;
- (l) in relation to (k), 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 13.12.2015;

- (m) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (n) if the above planning conditions (a), (b), (c), (d), or (f) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (e), (g), (h), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’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 (LandsD) that the site comprises Old Schedule Agricultural Lot held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the

Government. No permission is given for occupation of Government land (GL) (about 910m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Ping Ha Road via a local road on GL. LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) concerned would need to apply to LandsD to permit any structures to be erected or regularize any irregularities on site. The applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by the Transport Department (TD). If the proposed run-in is agreed by TD, the applicant should construct a run in/out at the access point at Ping Ha Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the

road near Ping Ha Road;

- (g) to note the comments of the Chief Town Planning/Urban Design and Landscape, Planning Department that with reference to the site visit, it was noted that the eastern portion of the site is fenced off. Hence, the condition of the existing trees at the eastern portion of the site could not be fully verified. Besides, the tree pits of 3 existing trees planted at grade are too small and the 2 existing trees planted in movable planter is not acceptable as stated in the Technical Note. Furthermore, objects are stacked over the tree planting area. As such, revised tree preservation and landscape proposals should be submitted and access for site inspection should be provided;

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

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

An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Items 33 and 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/270 Proposed Filling of Land (by about 0.6m) for Permitted Agricultural Use in “Village Type Development” zone, Lot 1396 in D.D. 129, Mong Tseng Wai, Yuen Long
(RNTPC Paper No. A/YL-LFS/270)

A/YL-LFS/271 Proposed Filling of Land (by about 0.6m) for Permitted Agricultural Use in “Village Type Development” zone, Lot 1394 S.A in D.D.129, Mong Tseng Wai, Yuen Long
(RNTPC Paper No. A/YL-LFS/271)

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

Presentation and Question Sessions

156. Mr Vincent T.K. Lai, STP/TMYLW, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) proposed filling of land (by about 0.6m) for permitted agricultural use at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Papers. Concerned government departments had no objection to or no adverse comments on the applications;
- (d) the District Officer (Yuen Long), Home Affairs Department (DO(YL, HAD)) had received a comment from three villagers of Mong Tseng Tsuen objecting to the applications mainly on the grounds that Mong Tseng Tsuen was subject to flooding during rainy seasons, the drainage issues in the village was also yet to be resolved. The villagers had concerns that approval of the applications would cause severe flooding and affect the daily life of the villagers;
- (e) during the first three weeks of the statutory public inspection period, two public comments were received for each of the applications. The World Wild Fund (WWF) and the Designing Hong Kong objected to the applications mainly on grounds that the proposed developments were not in line with the planning intention of “Village Type Development” (“V”) zone approving the applications would set a bad precedent for similar cases and the sites were subject to illegal filling of land which caused flooding to the vicinity. A public comment was also received from a local villager objecting to Application No. A/YL-LFS/271 for the reason that the site was subject to illegal filling of land which caused flooding to the vicinity; and
- (f) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Papers.

The proposed land filling to facilitate agricultural use was considered not incompatible with the planning intention for the “V” zone. The requirement for the planning permissions for filling of land within “V” zone was to address the possible drainage impact. The applicants stated that the 0.6m high land filling was to avoid flooding of the sites. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) had no objection in principle to the applications. Regarding the public comments, the planning assessments and comments of the relevant government departments were relevant.

157. Members had no question on the applications.

Deliberation Session

158. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 13.3.2019, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions was subject to the following conditions :

- “(a) no part of the site shall be filled to a depth exceeding 0.6m, as proposed by the applicant;
- (b) no contaminated soil and waste as defined under the Waste Disposal Ordinance Cap. 354, including construction and demolition material, shall be used to fill the site;
- (c) the submission of a drainage proposal including drainage mitigation measures before commencement of land filling works on the site to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the implementation of a drainage proposal including drainage mitigation measures identified therein upon completion of the land filling works on

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

- (e) if any of the above planning conditions (a), (b), (c) or (d) 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.”

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

- “(a) the implemented drainage facilities on the site shall be maintained at all times;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from LandsD. According to the information provided in the application, no structure is proposed within the site. The site is accessible to Deep Bay Road via a local track on both Government land (GL) and other private lots. LandsD provides no maintenance work to the GL involved and does not guarantee right-of-way;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that site formation works and drainage works are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise, they are Unauthorised Building Work (UBW). An Authorised Person (AP) should be appointed as the co-ordinator for the proposed site formation and/or drainage works in accordance with the BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of the BA in respect of site formation works and/or drainage works in the New Territories under the BO (Application to the New Territories)

Ordinance. The applicant may approach DLO/YL, LandsD or seek AP's advice for details; and

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

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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

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) proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no

objection to or no adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. Approval of the application on a temporary basis for a period of 3 years would not jeopardize the long-term planning intention of the “Undetermined” zone. In view of the small scale and temporary nature of the application and taking into consideration that the site was accessible via Kung Um Road with no vehicular ingress/egress and parking spaces provided as proposed by the applicant, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding area were not envisaged.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no open storage activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;

- (d) no vehicle queuing is allowed back to the public road at any time during the planning approval period;
- (e) the provision of boundary fencing on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2015;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2015;
- (h) the submission of a revised drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2015;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.12.2015;
- (j) in relation to (i) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (k) 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 13.9.2015;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2015;

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

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

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

- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises of an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Should the application be approved, the lot owner concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is abutting to Kung Um Road via Government land (GL). LandsD provides no maintenance work for the GL involved and does not guarantee any right-of-way;
- (e) to note the comments of the Commissioner for Transport that no parking of vehicles is allowed on public road;
- (f) 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;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the numbers and locations of the existing trees as described in the proposed landscape and tree preservation plan (Drawing A-2 of the Paper) are different from the actual situation;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Appendix Ic and Drawing A-3 of the Paper) that sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The applicant should also be reminded to note that the drainage

facilities should be implemented in accordance with the agreed drainage proposal. The applicant is required to rectify the drainage system 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 drainage system. 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 commencement of the drainage works. Besides, the applicant should submit Form HBP1 to his Division for application of technical audit for any proposed connection to DSD's drainage facilities;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should be advised that layout plans should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. However, 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;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on leased land in the site, the prior approval and consent of BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed

building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by 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. Also, there is a high pressure town gas pipeline running along Yuen Long Highway which is in vicinity of the site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited

in respect of the exact location of the existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are 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 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/716 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Comprehensive Development Area” zone, Lot 388 RP in D.D. 121 and Adjoining Government Land, Fui Sha Wai South Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/716)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, five public comments were received. Residents of Uptown (尚城業主大聯盟)

and members of the public mainly raised concerns on the unauthorized development/use at the site as well as the potential traffic and pedestrian safety impacts and illegal parking generated by the proposed development. There were also concerns on the occupation of government land and the paving/blocking of drainage channels at the verge of Fui Sha Wai South Road for parking purposes and the associated nuisances on drainage/sewage discharge. One commenter considered that the any development at the site would directly/indirect affect the neighbouring development (Uptown) and that the proposed development would affect the competitiveness of similar businesses in the area; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (real estate agency) could be tolerated for a period of 1 year based on the assessment made in paragraph 10 of the Paper. Approval of the application on a temporary basis would not jeopardize the long-term planning intention of the “Comprehensive Development Area” (“CDA”) zone. The proposed development was considered not incompatible with the surrounding uses which are predominantly residential in character mixed with some vehicle parks and a construction site. In view of its small scale and temporary nature of the application, significant adverse environmental, traffic, landscape and drainage impacts on the surrounding area were not envisaged. Taking into consideration the close proximity of the site to the adjoining existing residential development (Uptown) and the local concerns on the potential impacts arising from the applied use, a shorter approval period of 1 year was proposed to allow close monitoring of the situation on the site. Regarding the public comments, the planning assessments and comments of the relevant government departments were relevant.

165. Members had no question on the application.

Deliberation Session

166. The Chairman asked whether a shorter approval period of 1 year recommended

was reasonable. A Member considered that the operation of a real estate agency would not cause any nuisance and there should be no problem to grant a 3-year approval as requested by the applicant. The Committee agreed to grant a 3 year planning approval for the proposed development.

167. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.3.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle 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;
- (c) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2015;
- (d) in relation to (c) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2015;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2015;
- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2015;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;

- (h) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2015;
- (i) in relation to (h) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2015;
- (j) if any of the above planning conditions (a), (b) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (k) if any of the above planning conditions (c), (d), (e), (f), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No permission is given for occupation of Government land (GL) (about 125m² subject to verification) 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. Should the

application be approved, the lot owner(s) will need to apply to LandsD to permit the 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 such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible from Fui Sha Wai South Road. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner of Transport that the land status of the access road/path/track leading to the site from Fui Sha Wai South Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track 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 is allowed on public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed vehicular access arrangement may affect the existing U-channel abutting the site. Adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains;
- (f) 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;
- (g) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that the submitted landscape proposal (Drawing A-2 of the Paper) does not indicate the extent of planting area for the proposed *Bauhinia blakeana*;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should clarify whether the proposed channel along Fui Sha Wai South Road is the existing one (required approval of the channel's maintenance agent, i.e. HyD) or a new one to be constructed by the applicant. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. For the drainage works outside the applicant's site, consent of DLO, relevant government department or private lot owners on the proposed drainage works shall be obtained prior to the commencement of the drainage works. The applicant is required to properly maintain the drainage facilities and rectify those facilities if they are found inadequate or ineffective during operation. The applicant shall be liable for and shall indemnify claims and demands arising out of any damage or nuisance caused by a failure of their drainage facilities;

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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 structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the BO and should not be designated for any use under the application. Before any new building works (including open sheds and 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 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) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary; (ii) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise

with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. Besides, there is a high pressure town gas pipeline running along Fui Sha Wai South Road which is in close vicinity to the site. The project proponent should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of the existing or planned gas pipe routes/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipes/gas installations if any excavation works are 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 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/203 Proposed Shop and Services and Eating Place in “Residential (Group B)” zone, Lot 4537 RP in D.D. 116, Shap Pat Heung Road, Tai Kei Leng, Yuen Long
(RNTPC Paper No. A/YL/203C)

169. The Secretary reported that the application was submitted by Onfine Development Ltd., a subsidiary of Henderson Land Development Co. Ltd. (HLD). The following Members had declared interests in this item:

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| Ms Janice W.M. Lai | - having current business dealings with HLD |
| Mr Ivan C.S. Fu | - having current business dealings with HLD |

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| Professor K.C. Chau | - being an employee of the Chinese University of Hong Kong which received a donation from a family member of the Chairman of HLD |
| Dr W.K. Yau | - being a Director of an Non-Government Organization which received a donation from HLD |
| Mr H.F. Leung | - being an employee of the University of Hong Kong (HKU) which received a donation from a family member of the Chairman of HLD |
| Professor S.C. Wong | - being an employee of HKU which received a donation from a family member of the Chairman of HLD |
| Ms Christina M. Lee | - being a Secretary-General of the Hong Kong Metropolitan Sports Events Association which had solicited sponsorship from HLD |

170. The Committee noted that Professor K.C. Chau had tendered apology for being unable to attend the meeting, Professor S.C. Wong, Ms Janice W.M. Lai and Mr H.F. Leung had already left the meeting. The Committee considered that the interest of Mr Ivan C.S. Fu was considered direct and agreed that he should be invited to leave the meeting temporarily for this item. The Committee also noted that Dr W.K. Yau and Ms Christina M. Lee had no involvement in the application, and agreed that they should be allowed to stay in the meeting.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) proposed shop and services and eating place;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Commissioner for Transport (C for T) did not support the application if no appropriate loading/unloading (L/UL) facility was proposed. The applied uses were expected to generate many roadside L/UL activities for delivering goods. As Shap Pat Heung Road was a road with busy traffic, it would have significant impact on the traffic flow if a traffic lane of Shap Pat Heung Road was occupied for L/UL. Hence, provision of L/UL facilities was a must for the application so that all L/UL would not be carried out on carriageway. For temporary vehicular access as proposed, its end section would be on the existing footpath for nearby villagers. It would endanger the safety of pedestrian if it was used as temporary vehicular access. In this regard, the applicant’s proposal was not feasible. Other government departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, thirteen public comments including 9 objecting to and 4 expressing concerns on the application were received. Designing Hong Kong Limited objected to the application mainly on the grounds that the site was zoned “Residential (Group B)” (“R(B)”) and the proposed development was incompatible with the zoning and would have adverse impacts on housing supply. Approval of the application would set an undesirable precedent for similar applications. A member of Yuen Long District Council, Owners Committee of Sereno Verde and Village Office and villagers of Tai Kei Leng objected to the application mainly on the grounds that the proposed development would cause adverse impacts on traffic, environmental and hygiene aspects, etc. as well as there was lack of details of the proposed development. The remaining comments were from individuals expressing concerns on the application mainly on landscaping, drainage, sewerage, building and fire safety, quantitative risk and fung shui aspects. Some commenters suggested that a vehicular access, parking and

L/UL facilities should be provided due to the heavy traffic of Shap Pat Heung Road and Tai Tong Road; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper. The current application for a proposed 4-storey building purely for shop and services and eating place uses at a PR of 1.352 without any residential use was considered not in line with the planning intention of the “R(B)” zone. The proposed development did not represent an optimal utilization of the development potential of the site and also resulted in loss of at least 26 flats on the site. The applicant claimed that the proposed development would allow redevelopment flexibility so as to integrate with the residential land of about 6,262m² to its west when the process of land agglomeration was completed in future. Timing of site agglomeration and the development timetable of the adjoining lots was however uncertain. As the proposed development was permanent in nature, approval of the application would frustrate the planning intention of the “R(B)” zone. C for T did not support the application with no provision of L/UL. The applicant failed to demonstrate that the proposed development was feasible from traffic point of view and would not generate any adverse traffic impact on the surrounding areas.

172. Members had no question on the application.

Deliberation Session

173. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the site is zoned for residential development at a plot ratio (PR) of 3.5. The site should be developed for its zoned use and the site utilization should be optimised. The proposed development for a pure commercial development at a PR of 1.352 would not be in line with the planning

intention of “Residential (Group B)” (“R(B)”) zone. No strong planning justification has been given in the submission for a departure from the planning intention;

- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would undermine the planning intention of “R(B)” zone; and
- (c) the applicant fails to demonstrate that the proposed development would not generate adverse traffic impacts on the surrounding areas.”

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

Agenda Item 38

Any Other Business

174. There being no other business, the meeting closed at 6:50 p.m..