

TOWN PLANNING BOARD

Minutes of 545th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 20.11.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

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 Peter K.T. Yuen

Mr Philip S.L. Kan

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr Terence S.W. Tsang

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

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

Secretary

Absent with Apologies

Professor K.C. Chau

In Attendance

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

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

Town Planner/Town Planning Board
Mr William W.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 544th RNTPC Meeting held on 6.11.2015

[Open Meeting]

1. The draft minutes of the 544th RNTPC meeting held on 6.11.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Closed Meeting]

- (i) Section 12A Application No. Y/YL-PH/3
- Request for not to take forward an approved rezoning application
Lot 2157 (Part) in D.D. 111 and Lots 332 (Part), 333 (Part), 334 R.P. (Part)
335, 336 (Part) and 337 (Part) in D.D. 114, Pat Heung, Yuen Long
-
2. The Committee noted that the paper was issued under confidential cover as legal advice was involved, and agreed that this item be conducted in closed meeting.
 3. The Secretary reported that on 13.2.2009, the Committee agreed to a section 12A application No. Y/YL-PH/3 for rezoning a site from “Open Storage” (“OS”) to “Other Specified Uses” annotated “Film Studio” (“OU(Film Studio)”) on the approved Pat Heung Outline Zoning Plan (the Plan). The site had been used for props storage and workshop uses ancillary to an existing film studio known as Clarence Film Studio (CFS) located to its north since 1996. The application was mainly to regularize the boundary of the existing film studio.
 4. The Secretary continued to say that upon the Committee’s approval, preparation work for the proposed amendments to the Plan had been undertaken, including working out appropriate development restrictions for proper control on the development intensity of the existing film studio as a whole, and requesting CFS to provide details such as layout/section plans and the major development parameters (e.g. gross floor area/plot ratio, building height etc.) of the whole film studio site, so as to facilitate the amendments to the Plan. There was

no formal reply from CFS regarding the requested information, notwithstanding its earlier indication that they would take forward the rezoning proposal. The Chief Executive in Council had referred the Plan to the Board for amendment which was notified in the Gazette on 17.1.2014. On 8.7.2015, the applicant wrote to the Board stating that he wished to retain the existing “OS” zone due to changes in planning circumstances and operational needs. The applicant requested the Board not to take forward the rezoning of the site to “OU(Film Studio)” on the Plan. Since the applicant no longer intended to proceed with the approved rezoning, the details of the development parameters for the entire film studio site to facilitate the amendments to the Plan would not be forthcoming. PlanD had no objection to the applicant’s request for the following reasons:

- (a) the site was currently being used for warehouse/storage purpose, which was always permitted under the current “OS” zone, and not related to the adjoining film studio to its north. Rezoning of the site to “OU(Film Studio)” to regularize the site boundary of the existing film studio was no longer relevant;
- (b) the existing warehouse/storage use was compatible with the surrounding land uses which were predominated by open storage and workshops within the “OS” zone. Retaining the existing “OS” zone of the site was in line with the planning intention of the zone; and
- (c) there was no objection to or adverse comment from all relevant departments.

5. After deliberation, the Committee decided to accede to the applicant’s request and not to proceed with the proposed amendments to the Plan as stated in paragraph 3 above for the reasons stated in paragraphs 4(a) to 4(c) above. Formal reply would be issued to the applicant by the Secretariat.

Sai Kung and Islands District

[Ms Donna Y.P. Tam, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-CWBN/7 Application for Amendment to the Approved Clear Water Bay Peninsula North Outline Zoning Plan No. S/SK-CWBN/6, To rezone the application site from “Village Type Development” to “Village Type Development(1)”, Various Lots and Adjoining Government Land in D.D. 238, Clear Water Bay, Sai Kung
(RNTPC Paper No. Y/SK-CWBN/7)

6. The Secretary reported that Mr David Y.T. Lui had declared an interest in this item as he owned two houses in the Clearwater Bay Area. As Mr Lui’s houses did not have direct views on the site, the Committee agreed that he could stay in the meeting.

Presentation and Question Sessions

7. The Committee noted that the applicant did not attend the meeting. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point:

Ms Donna Y.P. Tam - District Planning Officer/Sai Kung and Islands (DPO/SKIs); and

Mr William W.T. Wong - Senior Town Planner/Sai Kung and Islands (STP/SKIs).

8. The Chairman invited Mr William W.T. Wong, STP/SKIs, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Wong presented the application and covered the following aspects as detailed in the Paper :

- (a) the applicant proposed to rezone the site from “Village Type Development” (“V”) to “V(1)” on the approved Clear Water Bay Peninsula North Outline Zoning Plan (OZP) and exclude ‘Eating Place’, which was always permitted on the ground floor of a New Territories Exempted House (NTEH), on land designated “V(1)”. In so doing, ‘Eating Place’ on the ground floor of a NTEH would require planning permission from the Town Planning Board (the Board) under section 16 of the Town Planning Ordinance. The site had an area of about 5.2 hectares, with 59.6% of it falling within government land and 40.4% within private lots;
- (b) the site was in the northern part of the “V” zone of Pan Long Wan and largely within its village ‘environs’ (‘VE’). It was accessible from Hang Hau Wing Lung Road and currently occupied by clusters of Small Houses. There was no restaurant/bar on the ground floor of the Small Houses within the site;
- (c) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;
- (d) departmental comments were set out in paragraph 9 of the Paper. The Director of Food and Environmental Hygiene advised that in accordance with the Public Health and Municipal Services Ordinance, a licence should be obtained from the Food and Environmental Hygiene Department (FEHD) for food business. Relevant government departments would be consulted in processing the application. Appropriate licencing requirements would be imposed. The Director of Environmental Protection advised that the emission from the eating places, effluent discharge and noise nuisance arising from the restaurants were subject to control under relevant ordinances. The Commissioner of Police advised that appropriate action would be taken against complaint noise cases under the relevant

ordinances;

- (e) during the first three weeks of the statutory publication period, a total of 39 comments were received. 17 individual commenters supported the application on grounds of the unsuitability of the neighbourhood as a tranquil residential area for eating places, adequate provision of commercial and community uses in nearby towns, and the need of the Board to retain control on 'Eating Place'. 20 commenters including Hang Hau Rural Committee, the Village Rural Affairs Committee of Pan Long Wan and individual commenters objected to the application mainly on grounds of the deprivation of the right of the land owner in using the site, being against Article 40 of the Basic Law (i.e. rights and interest of indigenous inhabitants), and proper control from FEHD on the restaurants under the current licensing system. The remaining 2 commenters provided comments on the preservation and protection of the environment;
- (f) PlanD's views – PlanD did not support the application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows:
 - (i) there was no strong planning justification to support the rezoning proposal;
 - (ii) 'Eating Place' permitted on the ground floor of the NTEH was operated on a small scale and local basis which was compatible with the zoned use and had no major planning implications;
 - (iii) food business licence was required from FEHD for the operation of 'Eating Place' on the ground floor of the NTEH. Licence would only be issued from FEHD only if the operator could confirm that requirements on hygiene standards, building structure, fire safety, lease conditions and planning restrictions could be met; and
 - (iv) under the existing legislations, relevant government departments including the Hong Kong Police and Environmental Protection

Department had proper control on the nuisance caused by 'Eating Place'.

9. As the applicant did not attend the meeting and there were no questions from Members, the Chairman said that the hearing procedure for the application had been completed and the Committee would deliberate on the application. He thanked PlanD's representatives for attending the meeting. Ms Donna Y.P. Tam, DPO/SKIs and Mr William W.T. Wong, STP/SKIs left the meeting at this point.

Deliberation Session

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

- “(a) ‘Eating Place’ on the ground floor of a New Territories Exempted House (NTEH) would support the zoned use locally and is in line with the planning intention of “Village Type Development” (“V”) zone. The use, being located on the ground floor, is compatible with the zoned use and has no major planning implications. The applicant fails to demonstrate that ‘Eating Place’ would cause nuisance to the area and has not provided strong planning justification to support the rezoning application;
- (b) the operation of ‘Eating Place’ is subject to the licencing requirements and environmental control under the relevant legislations. There is a mechanism under the current regulatory system to control the environmental aspects related to the operation of ‘Eating Place’. The applicant has not provided strong justification for requiring ‘Eating Place’ use on the ground floor of a NTEH in “V” zone to apply for planning permission from the Town Planning Board; and
- (c) approval of the rezoning application would set an undesirable precedent for other similar applications to remove ‘Eating Place’ on the ground floor of a NTEH from Column 1 to Column 2 of the “V” zone. The cumulative effect of approving such similar applications would not be in line with the

planning intention of providing small scale restaurants on the ground floor of a NTEH, which are compatible with the zoned use and have no major planning implications, to serve the local people.”

[Mr William W.T. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/226 Renewal of Planning Approval for Temporary Horticultural Garden and Eating Place for a Period of 3 Years in an area shown as 'Road', Government Land in DD217 (Short Term Tenancy No. SX 2715 (Part)), Tai Chung Hau, Sai Kung
(RNTPC Paper No. A/SK-PK/226)

Presentation and Question Sessions

11. With the aid of a PowerPoint presentation, Mr William W.T. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary horticultural garden and eating place under previous application No. A/SK-PK/200 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments were received. A member of Sai Kung District Council (SKDC) supported the application as Sai Kung was in shortage of eating place with horticultural garden. Another SKDC member and Sai Kung Tai Chung Hau Village Mutual Aid Committee objected to the application as the proposed development was not in operation and the proposal would generate adverse traffic, fire, noise pollution, hygiene and drainage problems. The District Officer (Sai Kung) advised that a comment was received from the Tai Chung Hau Village Mutual Aid Committee with similar grounds made in the comment mentioned above; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 11 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. Regarding the two objecting public comments, the proposed development would not create adverse impacts as confirmed by the departments concerned and was considered not incompatible with the surrounding land uses. Regarding the comments on no operation of the development, the applicant had applied to the District Lands Officer/Sai Kung (DLO/SK) for amendment to the relevant short term tenancy conditions for permission of a food kiosk and it was still being processed by DLO/SK.

12. Members had no question on the application.

Deliberation Session

13. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 20.12.2015 until 19.12.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of landscaping and tree preservation proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 20.6.2016;
- (b) in relation to (a) above, the implementation of landscaping and tree preservation proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 20.9.2016;
- (c) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.6.2016;
- (d) in relation to (c) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.9.2016; and
- (e) if any of the above planning conditions (a), (b), (c) or (d) is not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Sai Kung that the applicant shall apply to his office for revision of the relevant tenancy conditions of the Short Term Tenancy so as to tally with the approved planning scheme. There is no guarantee that the proposed revisions would be approved by the Government. If such application is approved, it will be subject to such terms and conditions (including payment of fees and additional rent if applicable) as the Government considers appropriate;

- (b) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the proposed site, fire service installations will need to be installed. Except where building plan is circulated to the Centralized Processing System of the Buildings Department (BD), the tenant is required to send the relevant layout plans to the Fire Services Department incorporated with the proposed fire service installations for approval. The applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of the proposed fire service installations and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage collection and disposal facilities shall be provided and maintained in connection with the proposed developments to deal with the surface runoff of the site or the same flowing on to the site from the adjacent areas without causing any adverse drainage impacts or nuisance to the adjoining areas;

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

- (e) to note the comments of the Chief Building Surveyor/New Territories East 2 and Rail, BD as follows:
 - (i) to remove all unauthorized building works/structures;

- (ii) all building works are subject to compliance with the Buildings Ordinance (BO);
 - (iii) Authorised Person must be appointed to co-ordinate all building works; and
 - (iv) the granting of the planning approval should not be construed as an acceptance of any unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future; and
- (f) to submit an application for a restaurant license to the Director of Food and Environmental Hygiene for approval.”

Agenda Item 5

Section 16 Application

[Open Meeting]

A/SK-SKT/12 Proposed Public Utility Installation (Electricity Package Transformer)
in “Open Space” Zone, Yi Chun Street Playground near Yi Chun
Street, Sai Kung
(RNTPC Paper No. A/SK-SKT/12)

15. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Ms Christina M. Lee and Dr W.K. Yau had declared interests in this item as Ms Lee was the Secretary – General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP and Dr Yau was a Member of the Education Committee and the Energy Resources Education Committee of CLP. The applicant had requested for deferment of consideration of the application. As the interests of Ms Lee and Dr Yau were indirect, the Committee agreed that they could stay in the meeting.

16. The Committee noted that on 4.11.2015, the applicant requested for deferment of the consideration of the application for one month so as to allow time for preparation of further information to address the comments of relevant government departments. This was the applicant's first request for deferment.

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

[The Chairman thanked Mr William W.T. Wong, STP/SKIs, for his attendance to answer Members' enquiries. Mr Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

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

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/889 Proposed Wholesale Conversion of Building for Office, Eating Place,
Shop and Services in "Industrial (1)" Zone, Nos. 13 and 15 Yuen Shun
Circuit, Siu Lek Yuen, Sha Tin
(RNTPC Paper No. A/ST/889)

18. The Secretary reported that MVA Asia Ltd. (MVA) and Ramboll Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as Mr Fu had current business dealings with both consultants and Ms Lai had current business dealings with Environ. As Mr Fu and Ms Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed wholesale conversion of building for office, eating place and shop and services;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director-General of Trade and Industry (DG of TI) was concerned that the approval of the application might lead to further depletion of industrial land. Application for partial conversion of the subject building might suffice for the proposed development as it seemed that the uses proposed by the applicant (i.e. research and development operations) could be regarded as “Research, Design and Development Centre” which was a Column 1 use under the subject “Industrial (1)” (“I(1)”) zone. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received. One of them considered that the site was more suitable for development of shopping mall with restaurants to meet the community demand. The remaining five supported the application mainly on grounds of the suitability of the proposed converted building for clothing and creative industries; the site being well served by bus and MTR;

the provision of separate passenger and cargo lift system in the building; the provision of sufficient car parking spaces; cheaper rent compared with other industrial areas; facilitation of gradual transition of the area into commercial use and increase of office supply. 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 assessments as detailed in paragraph 12 of the Paper. The proposed office and commercial uses through wholesale conversion were generally in compliance with Town Planning Board Guidelines No. 25D for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D). Regarding DG of TI’s concern on future depletion of industrial land, it was noted that the planning application would not alter the current “I(1)” zoning of the site which was intended to reserve land primarily for general industrial purposes. The approval would be for the lifetime of the existing building only, and upon redevelopment, the site would need to conform to the zoning and development restrictions on the Outline Zoning Plan. In that connection, it would not jeopardize the long-term planning intention of the site for general industrial uses to meet the future demand. An advisory clause was recommended to indicate clearly such intention. As for DG of TI’s remarks that partial conversion would suffice for the proposed development, the applicant had clarified that the proposed wholesale conversion offered greater design flexibility to accommodate different office, commercial and general business uses with tailor-made and affordable floor spaces. The proposal would enable the provision of up-to-date fire-fighting installation facilities in the entire building. Regarding the public comments received, the planning assessments and departmental comments above were relevant.

20. Members had no question on the application.

Deliberation Session

21. A Member had no objection to the application but asked whether the proposed

development was in compliance with all criteria in TPB PG-No. 25D such as that relating to demonstration of shortfall in the provision of office and other commercial floor space to serve the industrial activities in the area. In response, the Secretary said that all criteria would be taken into account but the weighting of different criteria would depend on the circumstances of individual case. It was explained that the approval of two applications for similar uses within the same “I(1)” zone in 2014 and 2015 had demonstrated the demand for office and other commercial floor spaces in the area to a certain extent. The Chairman supplemented that the proposed conversion was in line with the general policy of revitalization of industrial buildings. Noting that TPB PG-No. 25D was promulgated about eight years ago and there would be changes in the government policy on industrial buildings, the Chairman suggested and the Committee agreed that there was scope for the Secretariat to review TPB PG-No. 25D to cope with the latest circumstances. The Secretary said that the issue would be followed up by the Secretariat.

22. 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 20.11.2019, 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 submission and implementation of fire service installations and water supplies for firefighting proposals to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a modification / special waiver to permit the applied uses;

- (c) to note the comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department (BD) that Authorized Person should be appointed to submit building plans to the Building Authority for approval. The proposed new external staircase is accountable for gross floor area and site coverage under the Buildings Ordinance. Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2, Hong Kong Planning Standards and Guidelines and the advice of the Commissioner for Transport will be referred to when determining exemption of Gross Floor Area calculation for aboveground car parking spaces. Barrier Free Access and accessible toilets should be provided to the proposed wholesale conversion under Building (Planning) Regulations 72. Adequate provision of Means of Escape and sanitary fitments should be provided after the wholesale conversion. Detailed fire services requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Director of Fire Services that the requirements of emergency vehicular access as stipulated in Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011”, which is administered by BD, should be observed; and
- (e) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that the subject site encroaches on the dam break flood plan of Lower Shing Mun Reservoir. The applicant is advised to carry out an assessment on the impact of the dam break to the proposed development and make its own provisions. The applicant may liaise with WSD if data on dam safety is required.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/542 Proposed House (New Territories Exempted House) in “Agriculture”
Zone, Lot 1573 in D.D. 8, Ma Po Mei, Tai Po
(RNTPC Paper No. A/NE-LT/542)

Presentation and Question Sessions

24. Mr P.Y. Yung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH));
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as there were active agricultural activities in the vicinity and the site itself could be used for agricultural purpose. Other concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, six public comments were received from the Indigenous Inhabitant Representative (IIR) and the villagers of Ma Po Mei, Designing Hong Kong Limited and an individual. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the site was not entitled for redevelopment; the site was outside the “Village Type Development” zone; the proposed development would have adverse traffic and environmental impact; no impact assessment had been submitted; and there were cumulative impacts

of existing and future small house developments in the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed NTEH development was not in line with the planning intention of “AGR” zone and DAFC did not support the application. However, the proposed NTEH was not incompatible with the surrounding area which was predominantly rural in character with a mix of settlements and vegetated fields. As advised by the District Lands Officer/Tai Po, Lands Department, the site was entitled for development of a NTEH with a footprint of 57.8m². The proposed NTEH having a footprint of 57.8 m² was in line with the entitlement. It was the Town Planning Board's usual practice to respect the development right of the landowner unless there was an overriding public interest. Other concerned departments had no objection to or no adverse comments on the application. The proposed NTEH also complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the footprint of the proposed NTEH fell within the village ‘environs’ of Ma Po Mei and the proposed NTEH would be able to be connected to the planned sewerage system in the area. Regarding the public comments received, the planning assessments above were relevant.

25. Members had no question on the application.

Deliberation Session

26. 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 20.11.2019, 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;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) the provision of protective measures to ensure that no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicants have to apply to LandsD for necessary approval, including Certificate of Exemption (Drainage Works) for public sewerage connection and exemption for excavation permit for works on government land, for development of the lot. There is no guarantee that the application will be approved. However, if approved by LandsD acting in the capacity as landlord at its discretion, such approval might be subject to such terms and conditions as imposed by LandsD;
- (b) to note the comments of the Director of Environmental Protection that the applicants must not begin any construction work of the proposed house until the public sewerage system has been completed; the applicants should reserve adequate land for connection of the proposed house to the public sewerage system; the applicants need to seek written consent from the adjacent lot owner, if necessary, for laying and maintaining sewage pipes across the adjacent lot; and the applicants should connect the proposed house to the public sewerage system at their own cost;
- (c) to note the comments of the Chief Engineer/Mainland North and the Chief

Engineer/Project Management, Drainage Services Department (DSD) that:

- (i) public stormwater drain is not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicants at their own expense. The applicants/owners are required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
 - (ii) there is no existing public sewerage system connection available. Public sewers near the proposed development will be laid under the current scheme of DSD's project 4332DS. The applicants may extend the sewers to the nearest connection point of the public sewers by themselves via other private/government land if they would like to discharge their sewage into the planned public sewerage system subject to site situation; and
 - (iii) the applicants shall follow established procedures for carrying out sewerage connection works including submission of sewerage plan with all relevant details through DLO/TP, LandsD for comment and agreement in advance; construction of the works according to the approved plan; and request DSD to carry out technical audit of the constructed works through submission of applications form (Form HBP1) together with the approved plan and technical audit fee; and
 - (iv) as the public sewerage facilities in Ma Po Mei Village are still under construction, the proposed sewerage connection works shall not begin until the public sewerage facilities are completed;
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:

- (i) the construction of the proposed New Territories Exempted House (NTEH) shall not be commenced before the completion of the planned public sewerage system;
 - (ii) since the proposed NTEH is less than 30m from the nearest water course, the house should be located as far away from the water course as possible;
 - (iii) the whole of foul effluent from the proposed NTEH shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes;
 - (iv) submission of an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEH to the planned sewerage system via the relevant private lots; and
 - (v) for provision of water supply to the development, 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 construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) 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 in order to avoid potential land disputes;
- (f) to note the comments of the Director of Fire Services that the applicants are

reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants should make necessary submission to LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-56. If such exemption is not granted, the applicants shall submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (h) to note the comments of the Director of Electrical and Mechanical Services that:
 - (i) the applicants shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicants shall carry out the following measures:
 - (a) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standard and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
 - (b) 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 (and/or overhead line) away from the vicinity of the proposed structure; and

- (c) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines;
- (ii) there is high pressure underground town gas transmission pipeline (running along Lam Kam Road) nearby the site:
 - (a) the project proponent/consultant shall therefore liaise with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas installations in the vicinity of the proposed area and any required minimum setback distance away from them during the design and construction stages of development; and
 - (b) the project proponent/consultant is required to observe the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes” for reference; and
- (i) 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 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.”

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/564 Temporary Shop and Services (Real Estate Agency) for a Period of 3
Years in “Recreation” Zone, Lots 1646 RP (Part), 1651 S.B (Part) and
1652 RP (Part) in D.D. 17, Lo Tsz Tin, Tai Po
(RNTPC Paper No. A/NE-TK/564)

Presentation and Question Sessions

28. Mr P.Y. Yung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from an individual was received objecting to the application mainly on grounds of accessibility and inadequate parking space. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Regarding the public comment objecting to the application mainly on traffic ground, the Commissioner for Transport had no objection to the application.

29. Members had no question on the application.

Deliberation Session

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 10:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) the existing drainage facilities on the application site shall be maintained at all times during the planning approval period;
- (c) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2016;
- (d) in relation to (c) above, the provision of FSIs and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.8.2016;
- (e) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (f) if any of the above planning conditions (c) or (d) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (g) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

31. 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 of the site;
- (c) to note the comments of the District Lands Office/Tai Po, Lands Department that the applicant should apply for Short Term Waiver to regularize the unauthorized structure on private lots;
- (d) to note the comments of the Commissioner for Transport that the existing village access connecting to the site is not under the Transport Department’s management. The applicant is advised to clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities in order to avoid potential land disputes;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities, the applicant/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom; and
- (f) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will be needed. In such circumstances, except where building plan is circulated to the Buildings Department, the applicant is required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. In doing so, the applicant should note

that:

- (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/565 Temporary Barbecue Site and Car Park for a Period of 3 Years in “Agriculture” Zone and an area shown as ‘Road’, Lots 384 RP (Part), 388 (Part), 393 (Part), 394, 395 and 396 RP (Part) in D.D. 17 and Lots 317, 318, 321, 322, 323 S.A, 323 S.B, 323 S.C (Part), 324, 1016 RP (Part), 1019 RP, 1020 RP, 1022, 1023 S.A, 1023 S.B, 1023 S.C, 1023 S.D, 1023 S.E, 1023 S.F, 1023 S.G, 1023 RP, 1024 S.B, 1024 S.C, 1024 S.D, 1024 S.E, 1024 RP, 1025 S.A, 1025 S.B, 1025 RP, 1026, 1027 (Part), 1028 S.A, 1028 S.B, 1028 S.C, 1028 S.D, 1028 RP (Part), 1029 (Part), 1040 (Part), 1041 to 1044, 1049 and 1050 in D.D. 29, Ting Kok Village, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/565)

Presentation and Question Sessions

32. Mr P.Y. Yung, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary barbecue site and car park for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site was located largely within the “Agriculture” (“AGR”) zone and had high potential for rehabilitation of agricultural activities. Even though the site was partly paved and used for non-agricultural uses for some time, it still possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from two individuals and a group of four local residents objecting to the application mainly on ground of adverse traffic impact on the surrounding area. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of two years based on the assessments made in paragraph 10 of the Paper. Although DAFC did not support the application as the site had high potential for rehabilitation of agricultural activities, the applied use was temporary in nature and would unlikely frustrate the planning intention of the site for agricultural use in the long run. The last previous application (No. A/NE-TK/494) was approved on 25.4.2014 for a period of two years and was revoked on 25.4.2015 due to non-compliance of approval conditions. To closely monitor the operation of the barbecue site and to be in line with the previous and similar applications approved, a shorter approval period of two years instead of the applied three years and shorter compliance period of the approval conditions were recommended.

33. In response to the Chairman’s questions, Mr P.Y. Yung, STP/STN, said that the approval periods of the previous and similar applications that were approved in or after 2007 were all two years. In order to closely monitor the operation of the barbecue site and to be in line with the previous and similar applications approved, a shorter approval period of two

years instead of the applied three years was recommended for the subject application. Revocation clauses were also recommended.

Deliberation Session

34. The Chairman asked whether the revocation clauses could serve to monitor the operation of the barbecue site and compliance of approval conditions, whilst shortening of the approval period to two years might result in more frequent renewal of permission by the applicant. In response, the Secretary said that shortening of the approval period to two years for the subject case was consistent with the previous and similar applications approved. In response to a Member's questions, the Secretary said that part of the site was the subject of two previously rejected applications for Small House developments (No. A/NE-TK/495 and 496) which were currently under appeal. While the applicant was not the current land owner of the site, he had taken reasonable steps to notify the current land owners including the applicants of application No. A/NE-TK/495 and 496, by posting site notice and sending notice to Tai Po Rural Committee. The Chairman added that there was no provision under the Town Planning Ordinance to prohibit multiple applications at the same site. While having no strong view of shortening the approval period to two years for the subject application, the Chairman requested PlanD to review whether such practice should be adopted in similar applications in future having regard to each and individual circumstance.

35. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 20.11.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 8:00 a.m. is allowed on the application site during the planning approval period;
- (b) the existing vehicular access, parking and drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.2.2016;

- (d) in relation to condition (c) above, the implementation of tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2016;
- (e) the submission of fire service installations and water supplies for fire fighting proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.2.2016;
- (f) in relation to condition (e) above, the implementation of fire service installations and water supplies for fire fighting within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.5.2016;
- (g) 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;
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with within the specified time limit, the approval hereby given shall cease to have effect and shall be revoked immediately 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.”

36. 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 owners of the site;
- (c) a shorter approval period of two years and a shorter compliance period are

granted with a view to monitoring the operation of the barbecue site cum car park;

- (d) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the applicant should apply for Short Term Waiver (STW) to regularize the unauthorized structures erected or to be erected on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will be given. If such STW application is approved, it will be subject to such terms and conditions, including among others the payment of fees, as may be imposed by LandsD;
- (e) to note the comments of the Director of Environmental Protection (DEP) that the applicant should follow the latest “Code of Practice on handling Environmental Aspects of Open Storage and Temporary Uses” issued by DEP;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that the existing drainage system proposed for discharge of the runoff from the site is not maintained by DSD. This existing drainage system within the site should be maintained by the applicant/developer at his expense at all times during the planning approval period. Moreover, the applicant/developer is required to rectify/modify the drainage system if it is found to be inadequate or ineffective during operation. The applicant/developer shall also be liable for and shall indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system. The applicant/developer should take all precautionary measures to prevent any disturbance, damage and pollution from the development to any parts of the existing drainage facilities in the vicinity of the site. In the event of any damage to the existing drainage facilities, the applicant/developer would be held responsible for the cost of all necessary repair works, compensation and any other consequences arising therefrom. There is existing public sewerage available for connection;

- (g) to note the comments of the Director of Food and Environmental Hygiene that for any premises intended to be used for food business (e.g. a restaurant, a food factory, a fresh provision shop), a food business licence from the Food and Environmental Hygiene Department (FEHD) in accordance with the Public Health and Municipal Services Ordinance (Cap. 132) shall be obtained. The application, if acceptable to FEHD, will be referred to relevant government departments such as the Buildings Department (BD), Fire Services Department (FSD) and Planning Department for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements;

- (h) to note the comments of the Director of Fire Services that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated under the Centralized Processing System of BD, the applicant/tenant is required to submit relevant layout plans incorporated with the proposed FSIs to FSD for approval. In preparing the submission, the applicant should note the following points:
 - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;

 - (ii) the location of the proposed FSI to be installed and the access for emergency vehicles should be clearly indicated on the layout plans;
and

 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of aforesaid plans. The applicant will need to subsequently provide such FSIs according to the approved proposal;

- (i) to note the comments of the Commissioner for Transport that there is no

road widening programme at the section of Ting Kok Road involving the site. The applied use can be tolerated but subject to termination upon request by the Government and no permanent structure should be erected in the area shown as 'Road' on the Outline Zoning Plan;

- (j) to note the comments of the Commissioner of Police that with a view to preventing all illegal activities at the site, it is suggested to fence off the car park with sufficient securities facilities such as installation of CCTV, adequate illumination and presence of security guard. No illegal parking in the vicinity of the site is allowed as it would cause unnecessary obstruction or danger to other road users. Appropriate enforcement action will be taken if necessary;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
 - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the current application;
 - (ii) before any new building 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 should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (iii) for UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO;
 - (iv) if the proposed use under application is subject to the issue of a

licence, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;

- (v) formal submission under BO is required for any proposed new works, including any temporary structures; and
- (vi) in connection with (v) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site is not abutting 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.”

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

Agenda Items 10 and 11

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/495 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 179 S.C ss.1 in D.D. 9, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/495 and 4966)

A/NE-KLH/496 Proposed House (New Territories Exempted House - Small House) in “Green Belt” Zone, Lot 179 S.C RP in D.D. 9, Kau Lung Hang, Tai Po (RNTPC Paper No. A/NE-KLH/495 and 496)

37. The Committee agreed that these two applications should be considered together since they were similar in nature and the application sites were located within the same “Green Belt” (“GB”) zone in close proximity to each other.

Presentation and Question Sessions

38. Mr P.Y. Yung, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) for each of the applications;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Environmental Protection (DEP) did not support the applications with septic tank proposal unless the houses could be connected to public sewer. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L of PlanD) had some reservations on the applications from landscape planning perspective as the sites were covered with grass and weeds, and approval of the applications might set undesirable precedents for similar applications leading to degradation of landscape quality in the surrounding areas although significant adverse impact on landscape resources was not anticipated. Other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, four public comments from Kadoorie Farm & Botanic Garden Corporation, the Hong Kong Bird Watching Society, Worldwide Fund for Hong Kong and an individual on each application were received. All objected to the applications mainly on the grounds of being not in line with the planning intention of “GB” zone, availability of land within the “Village Type Development” (“V”) zone for Small Houses, having potential ecological impact and setting undesirable precedent. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Paper, which were summarised as follows:
- (i) there was a general presumption against development within “GB” zone. No strong planning justification was given in the submissions for the proposed developments to depart from the planning intention of “GB” zone;
 - (ii) land was still available within “V” zone for Small House development and capable to meet the outstanding Small House applications. It was considered more appropriate to concentrate the proposed Small House development within “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services;
 - (iii) the proposed developments were considered not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed developments would cause adverse landscape and water quality impact on the surrounding areas. DEP did not support the applications and CTP/UD&L, PlanD had reservation on the applications;
 - (iv) the proposed developments also did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ as they would set an undesirable precedent for similar applications leading to degradation of the landscape quality and affect the existing natural landscape of the surrounding area; and
 - (v) there were public comments objecting to the applications mainly on ecological grounds.

39. Members had no question on the application.

Deliberation Session

40. After deliberation, the Committee decided to reject the applications. The reasons for each of the applications 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 planning justification given in the submission for a departure from the planning intention of the “GB” zone;
- (b) the proposed development does not comply with the Interim Criteria for assessing planning application for New Territories Exempted House/Small House development in that the proposed development would cause adverse landscape and water quality impact on the surrounding area;
- (c) the proposed development does not comply with the Town Planning Board PG-No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that it would affect the existing natural landscape of the surrounding area;
- (d) land is still available within the “Village Type Development” (“V”) zone of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the surrounding area.”

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/157 Proposed Warehouse (excluding Dangerous Goods Godown) in “Other Specified Uses” annotated “Port Back-up Uses” Zone, Lot 185 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/157)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed warehouse (excluding dangerous goods godown);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. A North District Council (NDC) member indicated no comment on the application and stated that the nearby villagers should be consulted on the application whereas another NDC member had no comment. Five individuals supported the planning application as the proposed development would not affect the nearby residents and facilitate the economic development in the area. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The proposed warehouse was generally in line with the planning intention of the subject zone and not incompatible with the surrounding land uses.

42. Members had no question on the application.

Deliberation Session

43. 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 20.11.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicants should obtain the Buildings Authority's

prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicants should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (b) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot should apply to his office for a Short Term Waiver (STW) which will be considered by the Government in its landlord's capacity. There is no guarantee that the application for STW will be approved. If the STW is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by his office;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the local track connecting the site and Man Kam To Road is not maintained by his department;
- (d) to note the comments of the Commissioner for Transport that the local access road is not under the Transport Department's management. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Director of Fire Services as follows:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
 - (ii) if no building plan is circulated to his department via the Centralized Processing System of the Buildings Department (BD), the applicants are required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the

submission, the applicants are advised on the following points:

- (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
- (b) the location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicants will need to subsequently provide such FSIs according to the approved proposal;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
 - (i) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, prior approval and consent from BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
 - (ii) 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 BO;

- (iii) the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Building (Planning) Regulations (B(P)R) 5 and 41D respectively;
 - (iv) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and
 - (v) detailed comments under BO will be provided at building plan submission stage; and
- (h) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) as follows:
- (i) for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (ii) the site is located within the flood pumping gathering ground."

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/26 Proposed Temporary Open Villager Car Park for a Period of 3 Years in
"Village Type Development" Zone, Lot 231 in D.D. 83, Hung Lung
Hang

(RNTPC Paper No. A/NE-HLH/26A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open villager car park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received. A North District Council (NDC) member supported the application as it could serve the needs of local villagers while the Chairman of Fanling District Rural Committee (FDRC) had no comment on the application. Another comment from an individual objected to the application mainly on the grounds that the land in “Village Type Development” (“V”) zone should be used for village house development; the car parking demand should be catered for within the village house development; and approval of the application would set an undesirable precedent for similar applications in the area. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The proposed temporary car park use was mainly to serve the local villagers for meeting their car parking needs. As advised by the District Lands Officer/North, Lands Department, no New Territories Exempted House application had been received for the site at the moment. Approval of the car park use on a temporary basis would not frustrate the long term planning intention of the area. Regarding the adverse public comment mainly on the planning

intention of “V” zone, the parking need of villagers and setting of undesirable precedents, the planning assessments above were relevant.

46. Members had no question on the application.

Deliberation Session

47. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the Site at all times during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (e) 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 20.5.2016;
- (f) 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 20.5.2016;

- (g) in relation to (f) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.8.2016;
- (h) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2016;
- (i) in relation to (h) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.8.2016;
- (j) 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;
- (k) if any of the above planning conditions (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 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.”

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

- “(a) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance. The applicants should obtain the Building Authority’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the

applicants should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (b) to note the comments of the Commissioner for Transport that the unnamed local track connected to Sha Tau Kok Road is not under the Transport Department's management. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access adjacent to the site is not maintained by HyD;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site is close to Ng Tung River, and the applicants should be advised to take precautionary measures to avoid water pollution to the stream course should the application be approved; and
- (g) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department in order to minimize any possible environmental nuisances."

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

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/577 Temporary Public Open Car Park for a Period of 3 Years in
“Agriculture” Zone, Lots 1571 (Part) and 1572 (Part) in D.D.83, Lung
Yeuk Tau, Fanling
(RNTPC Paper No. A/NE-LYT/577A)

Presentation and Question Sessions

49. The Committee noted that two replacement pages for pages 4 and 9 of the Paper had been tabled at the meeting. Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public open car park for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application was not favoured from agricultural development point of view. The site was well served by road access and active agricultural activities were observed in its immediate south. The site could be used for agricultural uses such as plant nursery and greenhouse. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received. Two comments from the Chairman of Fanling District Rural Committee (FDRC) and a North District Council (NDC) member had no comment on the application. The other five public comments from the Kadoorie Farm and Botanic Garden Corporation, Designing Hong Kong Limited, Word Wide Fund for Nature Hong Kong

and two individuals objected to the application mainly on the grounds that the development was not in line with the planning intention of “Agriculture” (“AGR”) zone; it was incompatible with the surrounding rural setting and approval of the application might worsen the traffic conditions of the local roads and affect the tranquillity of the area; the site had been changed to a car park before obtaining planning approval of the Board; no impact assessments/information had been submitted to demonstrate that the development would not cause adverse traffic impact and safety risk to the residents nearby; and approval of the application would set an undesirable precedent for similar applications;

- (e) District Officer (North) had consulted the locals regarding the application. Two of the three Indigenous Inhabitant Representatives (IIR) of Lung Yeuk Tau supported the application while the Chairman of FDRC and the other IIR of Lung Yeuk Tau cum the incumbent NDC member had no comment on the application; and

- (f) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The applied temporary public open car park was not in line with the planning intention of “AGR” zone and DAFC did not favour the application from an agricultural development point of view. However, it was noted that the applied temporary public open car park was considered not incompatible with the surrounding land uses. The traffic impact of the development was not expected to be significant. To minimize any potential environmental nuisances created by the applied car park, the applicants would be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites”. Other concerned departments had no adverse comment on or no objection to the application. Besides, a total of six similar applications in the vicinity of the site, which had similar circumstances to the current application, were approved by the Committee between 2003 and 2015. Regarding the adverse public comments mainly on the planning intention of “AGR” zone; land use

compatibility; potential adverse impacts; and setting of undesirable precedents, the planning assessments above were relevant.

50. Members had no question on the application.

Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (b) only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private car as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at all times during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities is allowed on the site at any time during the planning approval period;
- (e) the boundary fence on the site should be maintained at all times during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2016;

- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.8.2016;
- (h) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.5.2016;
- (i) in relation to (h) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.8.2016;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/North, Lands Department (DLO/N, LandsD) that from the layout plans provided by the applicants, it is noted that the vehicles go in/out the proposed car park entrance/exit will be routed through Lots 1552, 1580, 1553 RP, 1554 RP, 1568 S.D, 1568 S.E, 1568 S.C and 1568 S.A in D.D. 83. Necessary

consent from the concerned owners may be required;

- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department that:
 - (i) the site is located within the flood pumping gathering ground water mains in the vicinity of the site; and
 - (ii) watermains in the vicinity of the site cannot provide the standard fire flow;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the existing access road adjoining the site is not maintained by HyD;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that:
 - (i) the applicants are fully responsible for the proper maintenance of the drainage facilities on-site;
 - (ii) the applicants are required to ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas;
 - (iii) peripheral channels should be provided around and within the site boundary;
 - (iv) no public stormwater drainage maintained by CE/MN, DSD is currently available for connection. The area is probably being served by some of the existing local village drains. The village drains are probably maintained by the District Officer/North (DO/N). The applicants should approach DO/N if the applicants wish to know more about these drains. If the proposed discharge point is

connected to these drains, the applicants should seek an agreement from the relevant department on the proposal;

- (v) no public sewerage maintained by his office is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection (DEP) shall be obtained;
 - (vi) the applicants should be reminded that the proposed drainage proposal / works as well as the site boundary shall not cause encroachment upon areas outside his jurisdiction;
 - (vii) the applicants should consult DLO/N, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the site in future; and
 - (viii) all the proposed drainage facilities should be constructed and maintained by the applicants at their own cost; and
- (f) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize any possible environmental nuisances.”

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

Agenda Items 15 to 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/520 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 310 S.F in D.D. 77, Ping Che Kat Tin, Ta
Kwu Ling
(RNTPC Paper No. A/NE-TKL/520 to 523A)

A/NE-TKL/521 Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 310 S.G in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/520 to 523A)

A/NE-TKL/522 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 310 S.H in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/520 to 523A)

A/NE-TKL/523 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot 310 S.I in D.D. 77, Ping Che Kat Tin, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/520 to 523A)

53. The Committee agreed that the four applications should be considered together since they were similar in nature and the sites were in close proximity to one another.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) for each of the applications;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper, which were summarised as follows:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the agricultural development point of view. The sites were on vacant land overgrown with grass.

Road access and water supply were available. The sites possessed potential for agricultural rehabilitation. Agricultural activities in its vicinity were active;

- (ii) the Director of Environmental Protection (DEP) had reservation on the applications. There was an “Industrial (Group D)” (“I(D)”) zone about 50m to the west of the sites. Hence, there were potential industrial/residential interface issues associated with the applications. However, there was no information/assessment in the applications to address the concern. Besides, there was insufficient information provided by the applicants on the sewage discharge of the proposed Small Houses. The applicants proposed sewer connection for the sewage disposal. However, there were no details (for example, sewer size, manhole cover level, manhole incoming and outgoing invert levels, etc.) of the proposed sewer connection and the local topography provided in the applications to demonstrate the feasibility of the sewer connection. Moreover, the sewage disposal proposals indicated that part of the connection sewer would run across government land, without indicating whether the maintenance responsibility of the proposed connection sewer had been agreed by the Drainage Services Department or not; and
- (iii) other concerned departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, five public comments were received on each of the applications. A public comment from a North District Council member supported all applications as they would bring convenience to the villagers. The other four public comments from the Kadoorie Farm and Botanic Garden Corporation, World Wide Fund for Nature Hong Kong, Designing Hong Kong Limited and an individual objected to the applications mainly on the grounds that the proposed Small House developments were not in line with the planning intention of “Agriculture” (“AGR”) zone; the farming potential of the sites

would be diminished; the proposed NTEHs were incompatible with the setting of the area and would cause pollution to the farmland in the vicinity; approval of the applications was in contravention with the Government's new agricultural policy under consultation; no traffic, environmental, drainage and sewerage assessments had been submitted; and approval of the applications would set undesirable precedents for similar applications in the area. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:
 - (i) the proposed Small House developments were not in line with the planning intention of the “AGR” zone. DAFC did not support the applications from the perspective of agricultural development as the sites possessed potential for agricultural rehabilitation;
 - (ii) DEP had reservation on the applications as the sites were located at some 50m to the east of an area zoned “I(D)” which was currently partly occupied by a vehicle repairing workshop and an open storage yard and thus there would be potential industrial/residential interface problems. The applicants failed to demonstrate that such interface problem could be mitigated. Besides, the applicants proposed to use sewer connection for sewage discharge of the proposed Small Houses but failed to give due regard to the local topography and demonstrate the feasibility of the sewerage proposals and its maintenance responsibility;
 - (iii) land (about 3.86 ha or equivalent to about 154 Small House sites) was still available within the “V” zones of Ping Che Village for Small House development and capable to meet the outstanding 43 Small House applications. It was considered more appropriate to concentrate the proposed Small House developments within “V”

zone for orderly development pattern, efficient use of land and provision of infrastructures and services. The proposed developments were considered not complying with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that the proposed developments were not compatible with the adjacent “I(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area; and

- (iv) public comments objecting to the application were received.

55. In response to a Member’s question, Mr Wallace W.K. Tang, STP/STN, said that the “I(D)” zone situated to the west of the sites was currently occupied by an open storage yard and a car repairing workshop. Industrial uses were always permitted under the “I(D)” zone. The Member said that the wordings in the rejection reason (b) in paragraph 12.1 of the Paper could not clearly reflect the causal relationship between the proposed development and the “I(D)” zone. In response, the Chairman explained that the sites were not suitable for the proposed Small House developments as they would be susceptible to environmental impact arising from the rural industrial uses in the nearby “I(D)” zone. The Committee agreed that the wordings of the rejection reason (b) should be revised to better reflect the above meaning.

Deliberation Session

56. In response to the Vice-Chairman’s question on the six Small House grant applications being processed to the west of the sites as shown on Plan A-2b of the Paper, it was explained that no planning application for those six Small House developments had been received, and planning permission would be required for the Small House developments.

57. After deliberation, the Committee decided to reject the applications. Members agreed that reason (b) in paragraph 12.1 of the Paper should be suitably amended to reflect Members’ views as expressed at the meeting. The reasons for each of the applications were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Ping Che and Ta Kwu Ling area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House development is susceptible to environmental impacts of the industrial uses in the nearby “Industrial (Group D)” zone. The applicant fails to demonstrate in the submission that the potential industrial/residential interface issue would be mitigated;
- (c) the applicant fails to demonstrate in the submission that the proposed development would not have adverse sewerage impact on the surrounding area;
- (d) land is still available within the “Village Type Development” (“V”) zones of Ping Che Village where land is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within the “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (e) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the surrounding area.”

[The Chairman thanked Mr Kenny C.H. Lau, Mr P.Y. Yung and Mr Wallace W.K. Tang, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

Agenda Item 19

Section 12A Application

[Open Meeting]

Y/NE-KTS/9 Application for Amendment to the Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/14, To rezone the application site from “Recreation” and “Comprehensive Development Area” to “Other Specified Uses” annotated “Integrated Development with Residential, Farming and Community Facilities”, Lots 958 RP, 961 RP, 962, 963, 964, 965, 967, 969, 970, 971, 972, 973, 974, 975, 976, 977 RP, 978 RP, 986 S.B RP, 992 RP, 999 RP (Part), 1000, 1001, 1002 RP and 1003 RP in D.D. 92 and Adjoining Government Land, Kam Hang Road, Kwu Tung South
(RNTPC Paper No. Y/NE-KTS/9)

58. The Secretary reported that Masterplan Ltd. and Ramboll Environ Hong Kong Ltd. (Environ) were the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as Mr Fu had current business dealings with both consultants and Ms Lai had current business dealings with Environ. As the applicant had requested for deferment of consideration of the application, and Mr Fu and Ms Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

59. The Committee noted that on 9.11.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time to address departmental comments. This was the applicant’s first request for deferment.

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

meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 20

Section 16 Application

[Open Meeting]

A/YL-KTN/480 Temporary Open Storage of Construction Machinery, Construction Materials and Ancillary Parking of Medium/Heavy Goods Vehicles and Container Trailers/Tractors for a Period of 3 Years in "Other Specified Uses" annotated "Railway Reserve" Zone, Lots 431 (Part), 433 S.B (Part) and 1739 RP (Part) in D.D. 107 and Adjoining Government Land, San Tam Road, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/480)

61. The Committee noted that on 9.11.2015, the applicant requested for further deferment of the consideration of the application for two months so as to allow time for preparing revised landscape proposal and drainage proposal to address departmental comments. The applicant stated that he was in the process of preparing revised landscape and drainage proposals upon receipt of departmental comments. This was the applicant's second request for deferment.

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/YL-KTN/488 Proposed Houses in “Residential (Group E)1” Zone, Lots 111 RP, 112 RP, 114 RP, 115 RP, 116 RP, 120 RP, 261 RP (Part), 264 S.(A to D) RP and 264 S.(E to H) RP in D.D. 109 and adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/488)

63. The Secretary reported that the application was submitted by Delight World Ltd. which was a subsidiary of Cheung Kong Holdings Ltd. (CKH). Westwood Hong & Associates Ltd. (Westwood), Ramboll Environ Hong Kong Ltd. (Environ) and ADI Ltd. (ADI) were the consultants of the applicant. The following Members had declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with CKH, Westwood, Environ and ADI; and

Ms Janice W.M. Lai - having current business dealings with Environ and ADI.

64. The applicant had requested for deferment of consideration of the application. As the interest of Mr Fu was direct, the Committee agreed that he could stay in the meeting but should refrain from participating in the discussion. As Ms Lai had no involvement in the application, the Committee agreed that she could stay in the meeting.

65. The Committee noted that on 9.11.2015, the applicant requested for further deferment of the consideration of the application for two months so as to address the comments of relevant departments. This was the applicant’s first request for deferment.

66. 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 22

Section 16 Application

[Open Meeting]

A/YL-KTN/489 Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 3 Years in "Agriculture" Zone, Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D.107 and Adjoining Government Land, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/489)

67. The Committee noted that on 6.11.2015, the applicant requested for further deferment of the consideration of the application for two months so as to address the comments of relevant departments. This was the applicant's first request for deferment.

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

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/491 Renewal of Planning Approval for Temporary “Open Storage of Private Vehicles and Vehicle Parts” for a Period of 3 Years in “Residential (Group D)” Zone, Lots 629 S.Q, 630 S.B ss.15 and 653 S.B RP (Part) in D.D. 110, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/491)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of private vehicles and vehicle parts under previous application No. A/YL-KTN/395 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwellings located to the north and west (less than 10m away), and environmental nuisances were expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. While DEP did not support the application as there were residential dwellings located less than 10m from the site and environmental nuisance was expected, there was no environmental complaint received by DEP in the past three years. To address the concerns of DEP on possible environmental nuisance generated by the applied use, approval conditions restricting the operation hours, types of vehicles, prohibiting workshop-related activities and maintenance of existing mitigation measures were recommended.

70. In response to the question from Mr Edwin W.K. Chan, Assistant Director/Regional 3, Lands Department, Mr Kepler S.Y. Yuen, STP/FSYLE said that the proposed development did not exceed Shek Kong airfield height restrictions.

Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, and be renewed from 21.11.2015 until 20.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (c) no medium or heavy goods 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 setting back of the southern boundary of the application site by 25m from Kam Tin Road, as proposed by the applicant, at all times during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts shall not exceed the height of the peripheral fencing of the application site at any time during the planning approval period;
- (g) the existing fencing erected shall be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (i) the existing trees shall be preserved and the landscaping planting on the site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (k) the submission of a record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.2.2016;

- (l) the provision of fire extinguisher(s) with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.1.2016;
- (m) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2016;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.8.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) 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;
- (p) if any of the above planning conditions (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Kam Tin Road via government land (GL). The Lands Department (LandsD) does not provide maintenance works to the GL involved or

guarantee right-of-way. The Short Term Waiver (STW) holder need to apply to his office for modification of the STW conditions to regularise any irregularities on the site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (b) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should maintain the run-in/out at the access point at Kam Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should maintain the same drainage facilities as those implemented under previous application. The applicant should inform the Planning Department if the drainage arrangement is changed;
- (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 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 New Territories Exempted House(s)), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including security booth as temporary buildings) are to be

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

- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval. The applicant is reminded that if the proposed structure(s) is required to comply with BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans.”

[The Chairman thanked Mr Kepler S.Y. Yuen, STP/FSYLE, for his attendance to answer Members' enquiries. He left the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting]

A/YL-KTS/682 Temporary Open Storage of Freezer Vehicles, Air-conditioned Compartments and Cooling Machinery Components for Vehicles for Sale, and Installation and Maintenance Workshop for Freezer Vehicles for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” Zone, Lots 401 (Part), 404 (Part), 405 RP (Part), 406 RP, 408 RP (Part), 409 and 410 (Part) in D.D. 106, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/682)

73. The Committee noted that on 2.11.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant departments. This was the applicant’s first request for deferment.

74. 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]

A/YL-KTS/683 Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Other Specified Uses” annotated “Rural Use” Zone, Lot 515 RP in D.D. 106, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/683)

75. The Committee noted that on 12.11.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of responses to address departmental comments. This was the applicant’s first request for deferment.

76. 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 26

Section 16 Application

[Open Meeting]

A/YL-MP/247 Proposed Comprehensive House and Wetland Habitat Development with Filling of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Protection Area” Zone, Lot Nos. 3054 S.B RP and 3055 in D.D.104, near Yau Mei San Tsuen, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/247)

77. The Secretary reported that the application was submitted by Asia King Development Ltd. and Well Glided Ltd. which were related to Henderson Land Development Co. Ltd. (HLD). AECOM Ltd. (AECOM), Ramboll Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were the consultants of the applicants. The following Members had declared interests in this item:

Mr Ivan C.S. Fu] - having current business dealings with HLD,
Ms Janice W.M. Lai] AECOM, Environ and Urbis;

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

Dr W.K. Yau - being the director of a non-government organisation which received donation from a family member of the Chairman of 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;

Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Event Association

which had obtained sponsorship from HLD;

- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received donation from an Executive Director of HLD;
- Professor S.C. Wong - being an employee of HKU which had received donation from a family member of the Chairman of HLD; and
- having current business dealings with AECOM and being the Chair Professor and Head of the Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department.

78. The applicants had requested for deferment of consideration of the application. As the interests of Mr Fu and Ms Lai were direct, the Committee agreed that they could stay in the meeting but should refrain from participating in the discussion. As the interests of Dr Yau, Mr Leung, Ms Lee, Mr Yuen and Professor Wong were indirect, the Committee agreed that they could stay in the meeting. The Committee noted that Professor Chau had tendered apologies for being unable to attend the meeting.

79. The Committee noted that on 2.11.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant departments. This was the applicant's first request for deferment.

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

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

Tuen Mun and Yuen Long West District

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

Agenda Item 27

[Open Meeting]

Proposed Amendments to the

Approved Yuen Long Outline Zoning Plan No. S/YL/21

(RNTPC Paper No. 9/15)

81. With the aid of a PowerPoint presentation, Ms Bonita K.K. Ho, STP/TMYLW, presented the proposed amendments to the approved Yuen Long Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points :

Background

- (a) it was stated in the 2014 Policy Address that the Government would continue to implement the "Youth Hostel Scheme". In January 2015, Dr Lee Shau-kee announced the donation of a piece of land at Ma Tin Pok to the Po Leung Kuk (PLK) for the development of a youth hostel. The proposed youth hostel would be constructed, operated, managed and maintained by PLK. The construction work was to be funded by the

Government. To facilitate the development, it was proposed to rezone the site from “Government, Institution or Community (1)” (“G/IC(1)”) and “Village Type Development” (“V”) to “G/IC(5)”;

- (b) on 20.4.2012, the Committee agreed to a s.12A application (Application No. Y/YL/6) in that a site to the south of Hi Yip Street be rezoned from “Other Specified Uses” annotated “Business” (“OU(B)”) to the sub-zone of “G/IC” so as to facilitate an in-situ conversion of an existing 5-storey industrial building into a residential care home for the elderly (RCHE). It was therefore proposed to rezone the site from “OU(B)” to “G/IC(6)” to reflect the Committee’s decision. However, the applicant of the s.12A application on 16 and 29.9.2015 requested to withhold the rezoning for three years due to the uncertainty on the land premium to be charged for the proposed RCHE, and indicated on 9.11.2015 that he was prepared to give up the proposal of implementing a RCHE on the site if his withholding request was not acceded to;
- (c) the Planning Department (PlanD) did not support the applicant’s request for the following reasons:
 - (i) the applicant’s reasons for withholding the rezoning, i.e. uncertainty on the land premium to be charged for the proposed RCHE, the land value implication of rezoning and market situation, were the applicant’s market consideration on whether to take forward the proposed RCHE and not relevant planning consideration on the zoning of the site; and
 - (ii) agreeing to withhold the rezoning as requested would unduly fetter the Committee to take into account the prevailing planning circumstances at that time;
- (d) should the Committee decide not to accede to the withholding request, it was recommended not to proceed with the proposed amendment as stated in paragraph 81(b) above. If the applicant would like to pursue the RCHE

in future, a fresh s.12A application was required. Alternatively, should the Committee decide to proceed with the amendment and not accede to the applicant's request, PlanD would submit the subject amendment item for the Committee's consideration in the next meeting;

Amendment Item A1 and A2 (about 0.67ha) – Rezoning of a site at Ma Tin Pok from “G/IC(1)” and “V” to “G/IC(5)” with ‘Residential Institution (Hostel and Dormitory only)’ as a Column 1 use and stipulation of a building height (BH) restriction of 95mPD

- (e) the proposed “G/IC(5)” site, which was partly vacant and partly occupied by a commercial nursery, had an area of about 0.67ha comprising the proposed youth hostel site (about 0.63ha) and its adjoining government land (about 0.04ha) for run-in/out and road widening purposes. The site was currently zoned “G/IC(1)” and “V” on the OZP. The concerned “V” zone was to reflect the village type development at Fraser Village which was not a recognized village. It was proposed to rezone the site to “G/IC(5)” with ‘Residential Institution (Hostel and Dormitory only)’ as a Column 1 use and stipulation of a BH restriction of 95mPD;
- (f) the surrounding areas were predominately residential use in nature intermixed with medium to high-rise residential developments and village dwellings. To the immediate west of the site was a planned petrol cum liquefied petroleum gas (LPG) filling station on land zoned “Other Specified Uses” annotated “Petrol Filling Station” (“OU(PFS)”). To the further west of the site were high-rise residential developments namely La Grove and Park Signature;
- (g) according to the indicative scheme prepared by the project proponent, the proposed youth hostel development on the site of about 6,340m² comprised one block with a total gross floor area of about 35,060m² at a plot ratio (PR) of about 5.53. The proposed block would be of about 91.6mPD or 24 storeys over a landscaped deck at 1/F, communal facilities at G/F and one level of basement for carpark. The proposed youth hostel would provide

1,248 hostel units with an estimated population of about 1,680;

- (h) technical assessments had been conducted by PLK including traffic impact assessment (TIA), noise impact assessment (NIA), quantitative risk assessment (QRA), air ventilation assessment (expert evaluation report) (AVA (EE)), visual impact assessment (VIA), tree preservation proposal and landscape master plan (LMP), sewerage impact assessment (SIA) and drainage impact assessment (DIA). Relevant government departments consulted had no in-principle objection to/no adverse comment on the proposed indicative scheme and the technical assessments submitted by the PLK. The results of the technical assessments demonstrated that the proposed development was technically feasible with the incorporation of relevant mitigation measures and would not create any adverse impacts;

Proposed Amendments to the Notes and Explanatory Statement of OZP

- (i) the Notes of the “G/IC” were amended to incorporate ‘Residential Institution (Hostel and Dormitory only)’ (on land designated “G/IC(5)” only) as a Column 1 use. New remarks were incorporated in the Notes for “G/IC” zone to stipulate BH restrictions for the new “G/IC(5)” sub-zone. Explanatory Statement of the OZP had been revised to take into account the proposed amendments, and to update the general information for the various land use zones to reflect the latest status and planning circumstances of the OZP;

Consultations

- (j) concerned departments had no objection to or no adverse comments on the proposed amendments; and
- (k) on 15.7.2015, the Home Affairs Bureau and PLK consulted the Town Planning and Development Committee of Yuen Long District Council (TP&DC of YLDC) regarding the proposed youth hostel scheme. The proposed development was strongly supported by the DC members.

Besides, TP&DC passed a motion urging all relevant government departments to cooperate so as to facilitate the smooth implementation of the proposed youth hostel development. On 16.9.2015, TP&DC of YLDC was consulted on the proposed amendments, and generally had no objection to the proposed amendments.

82. The Vice-chairman agreed not to proceed with the proposed amendment to the “OU(B)” site to the south of Hi Yip Street and said that the applicant could still apply for a fresh s.12A application if he would like to pursue the RCHE in future. In response to a Member’s question, Mr David C.M. Lam, DPO/TMYLW, said that the aforesaid “OU(B)” site was privately-owned and even if it was rezoned to “G/IC”, it would not be available for such use. In response to a question from the same Member, Mr Lam said that the “G/IC” site to the southeast across Wang Yip Street East was occupied by an electric sub-station.

83. In response to a Member’s concern on whether the proposed zoning amendment would set a precedent and attract similar rezoning applications for private developments, Mr Lam said that the proposed “G/IC(5)” zone was to facilitate the proposed youth hostel development with the policy support of the Government. The proposed youth hostel would be constructed, operated, managed and maintained by a non-governmental organisation (i.e. PLK) and the construction work would be funded by the Government. Given the unique circumstance of the site, it would not likely be a precedent for other similar development in the area.

84. Noting that ‘Residential Institution (Hostel and Dormitory only)’ was proposed to be incorporated as a Column 1 use for the proposed “G/IC(5)” zone and only BH restriction of 95mPD was stipulated, the Vice-chairman was concerned that there might not be sufficient control on the implementation of the proposed youth hostel development as it did not require planning permission from the Town Planning Board. The indicative scheme submitted by PLK was not binding and the actual development scale would possibly exceed that under the indicative scheme. In response, Mr Lam said that the proposed development restriction on the OZP was to allow flexibility for the youth hostel development. As the project would be funded by the Government, there would be existing administrative mechanism to monitor the project. Besides, it might not be appropriate to stipulate a PR restriction for the proposed “G/IC(5)” zone as the details of the proposal had not yet been finalised. However, the

project proponent had undertaken various technical assessments to demonstrate that there would be no insurmountable problems for the development. Mr Lam further said that there was an example of another youth hostel development at Po Heung Street with similar restriction being imposed in the Tai Po OZP in 2014.

85. The Chairman said that the proposed “G/IC(5)” site was near the study area of “Planning and Engineering Study for Housing Sites in Yuen Long South – Investigation” to the south across Yuen Long Highway. According to the preliminary outline development plan, medium to high density community was proposed along Yuen Long Highway. The proposed BH restriction of 95mPD was considered to be compatible with the surrounding developments as well as future developments in Yuen Long South.

86. After deliberation, the Committee decided to :

- (a) advise the applicant of Application No. Y/YL/6 that his request for withholding the rezoning for 3 years was not acceded to for the reasons as stated in paragraphs 81(c)(i) and 81(c)(ii) above;
- (b) agree that the proposed amendments to the approved Yuen Long OZP and that the draft Yuen Long OZP No. S/YL/21A (to be renumbered as S/YL/22 upon exhibition) and its Notes were suitable for exhibition under section 5 of the Town Planning Ordinance; and
- (c) adopt the revised ES for the draft Yuen Long OZP No. S/YL/21A (to be renumbered as S/YL/22 upon exhibition) as an expression of the planning intentions and objectives of the Town Planning Board for the various land use zones on the OZP and the revised ES would be published together with the draft OZP.

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

[Ms Janice W.M. Lai and Ms Anita W.T. Ma left the meeting at this point. Professor C.M Hui left the meeting temporarily at this point.]

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/478 Proposed Office cum Shop and Services/ Private Club/ Eating Place
 (Conversion of Existing Industrial Building) in “Industrial” Zone, Tuen
 Mun Town Lot No. 74 S.A, 3B Hung Cheung Road, Tuen Mun
 (RNTPC Paper No. A/TM/478A)

87. The Secretary reported that Ramboll Environ Hong Kong Ltd. (Environ) was the consultant of the applicants. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with Environ. As Mr Fu had no involvement in the application, the Committee agreed that he could stay in the meeting. The Committee noted that Ms Lai had already left the meeting.

Presentation and Question Sessions

88. Ms Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office cum shop and services / private club / eating place (conversion of existing industrial building);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received. A public comment objected to the application on the ground that the application would worsen the problem of parallel-trading in Tuen Mun and proposed that the site should be rezoned to open space for public enjoyment. Another public comment indicated

its support to the application as it could increase the job opportunity and improve the environment in Tuen Mun. No local objection/view was received by the District Officer (Tuen Mun); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. The proposed development in general met the Town Planning Board's Guidelines No. 25D on 'Use/Development within "Industrial" Zone'. Regarding the objecting public comment received, the planning assessments above were relevant.

89. Members had no question on the application.

Deliberation Session

90. 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 20.11.2019, 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 fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the design and provision of parking facilities and loading/unloading spaces for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of revised traffic impact assessment and implementation of the proposed junction improvement scheme at the applicants' own costs as proposed by the applicants to the satisfaction of the Commissioner for Transport or of the TPB;

- (d) the submission of revised sewerage impact assessment and the implementation of mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB; and
- (e) the submission and implementation of the drainage proposal for the site to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under 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 applicants 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 section 16 planning application to TPB may be required;
- (b) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which may not be the same as those of the existing building;
- (c) to note the comments of the District Lands Officer/Tuen Mun, LandsD that the applicants may wish to apply for a special waiver for wholesale conversion of the existing industrial building, they should note and observe the LandsD Practice Notes (PN) No. 1/2010 as varied and supplemented by PN No. 1/2010A and PN No. 1/2010B, which sets out detailed arrangements (including requirements and conditions) on application for special waiver for conversion of an entire existing industrial building. LandsD would process such special waiver application in the capacity of a landlord, at its sole and absolute discretion, and may approve or reject any

such special waiver application. If the special waiver application is approved, it will be subject to such terms and conditions as considered appropriate;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, BD that:
 - (i) carparking spaces, loading & unloading lay-by may be disregarded from GFA calculation subject to the compliance with the requirements in Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-2 & APP-111, otherwise, it will be counted as non-domestic GFA. For the carpark installed with a double-deck carparking system, it should be regarded as two carparking floors. The GFA at the lower floor should be assessed as usual. The notional upper carparking areas occupied by the vehicles should be accountable for GFA. Other areas or voids outside the notional upper parking spaces might be disregarded from GFA calculation;
 - (ii) before any building works are to be carried out on the application site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO;
 - (iv) if the proposed use under application is subject to the issue of a licence, the applicants should be reminded that the area intended to

be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and

- (v) detailed comments under BO will be provided in the building plan submission stage;
- (e) to note the comments of the Director of Fire Services that detailed fire services requirements will be formulated upon receipt of formal submission of general building plans. As no details of the emergency vehicular access (EVA) have been provided, comments could not be offered by the Fire Services Department at the present stage. Nevertheless, the applicants should be reminded to observe the requirements of EVA as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 which is administrated by BD;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that:
 - (i) if any new run-in / run-out is approved by the Transport Department, the applicants should construct it according to HyD Standard Drawings No. H1113B and H1114A or H5133, H5134 and H5135, to match the existing pavement condition. In addition, adequate drainage measures should be provided at the entrance to prevent surface water from flowing out from the lot onto the public road / footpath via the run-in / run-out; and
 - (ii) excavation permit should be obtained from his Regional Office prior to commencement of excavation works on public roads and the applicants should ascertain the alignment and level of existing utility services in the vicinity prior to the commencement of works and should bear the cost of any necessary repair works and any consequence so caused by the damaged utilities arising from their works; and

- (g) to note the comments of the Director of Food and Environmental Hygiene that the proposed conversion should fulfil relevant legislation enforced by all concerned departments. If food business is intended to be conducted at the said premises, relevant food licences/permits should be applied from his department. Details for application of food licences/permits can be found from the Food and Environmental Hygiene Department's website.”

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/44 Temporary Recreation Use (Fishing Ground) for a Period of 3 Years in
“Coastal Protection Area” Zone, Lots 13 (Part) and 93 (Part) in
D.D.135 and adjoining Government Land, Sheung Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/44)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary recreation use (fishing ground) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 1 public comment was received from an individual objecting to the application mainly on the grounds that there was no justification for a large site to

serve only a few people, parking of cars could affect the environment, and the public access to the coast would be deprived of if the site was fenced off. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The development was not incompatible with the fish ponds and unused land in the immediate surrounding area. Regarding the public comment concerning the deprivation of public access and adverse environmental impact, it should be noted that the site was mainly private land and the Director of Environmental Protection advised that the parking of 10 private cars was not anticipated to cause adverse environmental impact.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2018, 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 8:00 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 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 20.5.2016;
- (d) in relation to (c) 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 20.8.2016;

- (e) the submission of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2016;
- (f) in relation to (e) above, the implementation of 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 20.8.2016;
- (g) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

95. 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) prior planning permission should have been obtained before commencing the development at the site;
- (c) 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 are covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government and New Grant Lot for agricultural purposes. No permission is given for occupation of government land (GL) (about 817m² 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 Nim Wan Road via a local track on both private lots and GL. His Office provides no maintenance work for GL involved and does not guarantee any right-of-way. The lot owners will need to apply to his Office 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 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;

- (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 Building Authority 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/open shed 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 coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their

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

- (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 potential environmental nuisance to the surrounding area;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt appropriate measures to prevent disturbance or environmental hygiene problems that may affect the nearby fishponds and fish culture activities, intertidal mudflat/mangrove as well as the Pak Nai Site of Special Scientific Interest during the operation of the proposed fishing ground, for example fencing the site for clear demarcation to prevent visitors' intrusion into the nearby fishponds and mudflat/mangrove habitats;
- (h) 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 authorities accordingly;
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be

provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Nim Wan Road;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to ensure that the development would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas;
- (k) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for the 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 standards of WSD;
- (l) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed 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 BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (m) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the site or the proposed activity.”

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TSW/63 Proposed Comprehensive Residential and Commercial Development with Eating Place and Shop and Services in “Comprehensive Development Area” Zone, Tin Shui Wai Planning Area 115, Tin Shui Wai Town Lot 34
(RNTPC Paper No. A/TSW/63)

96. The application was submitted by Pacific Gold Ltd. which was the subsidiary of Sun Hung Kai Properties Ltd. (SHK). Ramboll Environ Hong Kong Ltd. (Environ), LWK & Partners (HK) Ltd. (LWK), MVA Hong Kong Ltd. (MVA) and Ove Arup & Partners Hong Kong Ltd. (Arup) were the consultants of the applicants. The following Members had declared interests in this item:

Mr Ivan C.S. Fu - having current business dealings with SHK, Environ, MVA and Arup;

- being the director and shareholder of LWK;

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

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

Dr W.K. Yau - being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK;

Professor S.C. Wong - being a traffic consultant of Arup; and

- being the Chair Professor and Head of the Department of Civil Engineering of the University of Hong Kong which had obtained sponsorship from SHK on some activities of the Department

97. As the interest of Mr Fu was direct, the Committee agreed that he should leave the meeting temporarily for this item. As the interests of Ms Lee, Dr Yau and Professor Wong were indirect, the Committee agreed that they could stay in the meeting. The Committee noted that Ms Lai had already left the meeting.

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

Presentation and Question Sessions

98. The Committee noted that two replacement pages for pages 1 and 26 of the Paper had been tabled at the meeting. With the aid of a PowerPoint presentation, 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 highlighting that the site was allocated to the Hong Kong Housing Society (HKHS) for an “Integrated Elderly Community Project” (IECP) in 2008. Application No. A/TSW/49 and its subsequent Class B Amendment (No. A/TSW/49-1) for IECP were approved by the Committee in 2011. In 2013, HKHS gave up the approved project and handed the site back to the Government as the project was considered not financially viable. The site was subsequently sold in July 2014;
- (b) the application was to seek planning permission for a proposed comprehensive residential and commercial development with eating place and shop and services at the site zoned “Comprehensive Development Area” (“CDA”) on the approved Tin Shui Wai Outline Zoning Plan (OZP) No. S/TSW/12. The site was adjacent to the Hong Kong Wetland Park (HKWP). It was subject to a Planning Brief (PB) endorsed by the

Committee on 13.3.2009, which set out a number of design criteria including avoiding adverse impacts on the HKWP, providing visual transition between the New Town and the wetland, enhancing air ventilation, maximising greening and landscaping opportunities, ameliorating traffic noise nuisance and providing pedestrian connection;

- (c) the site had an area of about 64,400 m². The proposed development had domestic and non-domestic gross floor area of 94,742m² and 1,858 m² respectively at domestic and non-domestic plot ratios (PRs) of 1.471 and 0.029 respectively, as well as site coverage of about 42%. It mainly comprised 20 medium-rise residential towers, 10 villas and 10 houses having building heights (BHs) ranging from 2 storeys to 10 storeys over one storey basement car park (about 16.6 to 41.8mPD). A single storey commercial block, a club house and a basement car park would also be provided. A stepped height profile had been adopted, i.e. BH of 10 storeys descending northwards towards HKWP to 5-storey villas and 2-storey houses. The proposed development would provide 1,850 flats with estimated population of about 5,550. Not less than 5,550m² of private open space and 19,162m² of landscape area would be provided;
- (d) a 30m wide non-building area (NBA) with dense vegetation reserved at the east and northeast of the site served as a separation buffer between the development and HKWP. A 35m-wide primary breezeway within the site had also been reserved. Measures were proposed in the Ecological Impact Assessment (EcoIA) to mitigate the noise nuisance generated by piling activities during construction. Buildings gaps of about 10m were also introduced between towers to enhance wind penetration within the site. The proposed development was scheduled for completion by 2020;
- (e) departmental comments – departmental comments were set out in paragraph 11 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (f) during the first three weeks of the statutory publication periods, a total of

14 comments were received. Ten comments objecting to the application were received from the Designing Hong Kong Limited, the Hong Kong Bird Watching Society and the public. They objected to the application mainly on grounds of noise, visual and traffic impacts; not in line with the planning intention of the Wetland Buffer Area; no updated data for EcoIA; ineffectiveness of the 30m NBA; loss of habitats; impacts on sensitive areas nearby; cumulative impacts on the surrounding wetland; Tin Shui Wai being too densely populated; inadequate government, institution and community (GIC) facilities and incompatibility of the development with the nearby wetland. The remaining 4 comments were expressing concerns/giving suggestions to the application concerning the noise impacts from the Light Rail to the development; possible nuisance to the nearby birds' habitats; the inclusion of suitable GIC facilities to the development; and improvement to the existing transport planning. No local objection/view was received by the District Officer (Yuen Long); and

(g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 13 of the Paper, which were summarised as follows :

(i) the proposed development was in line with the planning intention of the “CDA” zone, and complied with the PR and BH restrictions on the OZP;

(ii) the proposed development was not incompatible with the surrounding areas. Although the proposed development abut on HKWP, the applicant had proposed a 30m-wide NBA and stepped height profile to minimise potential impact;

(iii) the proposed development generally complied with the design criteria set out in the endorsed PB, which were summarised as follows :

- avoiding adverse impacts on the HKWP: noise from the

communal garden in the development would be shielded by the low-rise block along the 30m-wide NBA. Vehicular access and retail shops would be located away from the HKWP. There would be no activities in the 30m NBA that would cause disturbance to birds in HKWP. Dense vegetation was proposed within the NBA;

- providing visual transition between the new town and wetland area: a BH profile that stepped down towards the HKWP had been adopted. Building gaps were provided to avoid creation of wall-like development;
- enhancing air ventilation: a 35m-wide breezeway and four air paths of not less than 10m wide were reserved;
- maximizing greening and landscaping opportunities: the proposal had included about 19,162m² of landscape area. The site had been well landscaped and a communal open space had been designed in the middle of the site;
- ameliorating traffic noise nuisance: the applicant had proposed mitigation measures to ameliorate traffic noise nuisance from Wetland Park Road including realignment of the building disposition in the early design stage, the design/use of acoustic balcony, and the installation of vertical fins at the building façade; and
- providing pedestrian connection: the applicant had proposed some shops and eating places along Wetland Park Road to enhance street vibrancy. Landscaped walkway would be provided within the site. The site would be well connected to the existing subways, footbridge and LRT stations;

(iv) concerned departments had no objection to or no adverse comments

on the application. Appropriate approval conditions were recommended to address the technical concerns from concerned departments; and

- (v) regarding the public comments received, the above planning assessments were relevant.

[Ms Christina M. Lee left the meeting at this point.]

99. A Member was concerned about the level difference and design treatment along the site boundary near the entrance building of the HKWP. The Chairman said that the award-winning entrance building of the HKWP was visually prominent in the area. He asked whether the proposed development would not create adverse visual impact on the entrance building. In response, Mr David C.M. Lam, DPO/TMYLW said that the proposed development would be podium-free and the site level along the western site boundary was quite similar to that at the adjacent HKWP site as shown in the Master Layout Plan and Sections at Drawings A-1 and A-5 of the Paper respectively. The proposed residential blocks adjacent to the entrance building of the HKWP were of terraced design with BHs stepping up from 3 storeys to 10 storeys away from the HKWP. As shown on the Landscape Master Plan in Drawing A-8 of the Paper and the photomontage viewed from the HKWP (vantage point 3) in the visual impact assessment (Appendix E of Appendix Ia of the Paper), planting was proposed along the boundary with the HKWP and no solid wall could be seen. Besides, Mr Vincent T.K. Lai, STP/TMYLW, supplemented that an approval condition requiring the submission of Landscape Master Plan was recommended and the detailed design treatment along the joint boundary with the HKWP could be examined in the applicant's submission for compliance with approval condition at a later stage.

Deliberation Session

100. In response to the Chairman's suggestion, the Committee agreed to add an advisory clause advising the applicant to use native species as far as possible for planting within the proposed 30m-wide NBA next to the HKWP.

101. In response to a Member's question, it was explained that the "Government,

Institution or Community” zone to the northwest of the entrance building of the HKWP was reserved for school use but without any actual development programme. The Chairman suggested that DPO should liaise with the relevant department on the design of the school so as not to generate adverse impact on the entrance building of the HKWP.

102. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 20.11.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions (c), (e), (f), (g), (j), (l) to (o) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a development and phasing programme for the proposed development to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan including a tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (d) no construction works including site formation works should commence before obtaining agreement on the methodology and programme of the construction works from the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (e) the design and provision of a 30m-wide non-building area along site boundary with the Hong Kong Wetland Park to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (f) the submission of detailed planting (including transplanting) plan at the proposed 30 m wide non-building area along the site boundary with the

Hong Kong Wetland Park at least three months before the commencement of any planting works at the site, and the implementation of the planting proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;

- (g) the implementation of the ecological mitigation measures and noise monitoring requirements identified in the ecological assessment to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) the submission of an ecological monitoring and audit plan at least three months before the commencement of any construction works at the site, as proposed by the applicant, and the implementation of the proposed ecological monitoring during the construction phase to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (i) the submission of proposal on colour and materials of the building surface of the proposed development before the commencement of any construction works at the site, and implementation of the aforesaid proposal to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (j) the submission of a revised Environmental Assessment including a revised Sewerage Impact Assessment and a chapter on revised Construction Phase Waste Management and the implementation of the mitigation measures identified therein to the satisfaction of the Director of Environmental Protection or of the TPB;
- (k) the submission of an Environmental Monitoring and Audit Plan, as proposed by the applicant, before the commencement of any construction works at the site to satisfaction of the Director of Environmental Protection or of the TPB;
- (l) the submission of a revised traffic impact assessment and the

implementation of the traffic mitigation measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;

- (m) the design and provision of vehicular ingress and egress points to the site to the satisfaction of the Commissioner for Transport or of the TPB;
- (n) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (o) the submission of a revised drainage impact assessment and the implementation of the drainage mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB; and
- (p) the provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4(A)(3) of the Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as practicable;
- (b) the approval of the application does not imply that the proposed building design elements could fulfil the requirements under the Sustainable Building Design Guidelines, and 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) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and major changes to the current scheme are required, a fresh planning application to TPB may be required;

- (c) to note the comments of the District Land Officer/Yuen Long, Lands Department (LandsD) that the subject lot is governed by the Conditions of Sales registered as New Grant No. 21871 (the “New Grant”) dated 11 August 2014 for non-industrial (excluding godown, hotel, office and petrol filling station) purposes, subject to a maximum GFA of 96,600m² of which the total GFA for non-industrial (excluding private residential, godown, hotel, office and petrol filling station) purposes shall not exceed 4,830m², a maximum of 10 storeys in building height and a minimum number of 4,140 residential units. The detailed development design including but not limited to GFA, number of storeys, number of residential units, non-building area, breezeway, greenery areas, building separation, carpark (including bicycle) layout and the associated driveway arrangement, loading and unloading spaces, vehicular and pedestrian access, site formation level (including soil filling), recreational facilities, headroom and roof-top structures etc. and the landscape master plan would be examined at the general building plan stage by LandsD acting in the capacity as the landlord at its sole discretion. There is no guarantee that any proposal under the planning permission, if granted, will be approved under lease. The site does not fall within the Shek Kong Airfield Height Restriction. The applicant should also note the detailed comments as summarized in Appendix IV of the Paper;
- (d) to note the comments of the Director of Environmental Protection that the Environmental Monitoring and Audit Plan should cover monitoring of effectiveness of construction phase mitigation measures including but not limited to water quality monitoring, site audit, emergency plan, etc.;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site and no vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the access arrangement to the site from Wetland Park Road should be commented and agreed 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 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 at the site access to prevent surface water flowing from the site to nearby public roads/drains. Since some proposed residential buildings will be in close proximity to the existing footbridge no. NF392, there may be privacy concerns. The applicant shall implement appropriate measures within the development to avoid the problem;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department to maintain the drainage mitigation measures identified in the Drainage Impact Assessment. The applicant should also note the detailed comments as summarised in Appendix IV of the Paper;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that further efforts in improving permeability of the development should be considered wherever opportunity arises. The applicant also has scope to maximise the greening opportunities, as mentioned in the planning brief, especially on the easily visible building facades;
- (i) native species should be used as far as possible for the planting within the 30m-wide non-building area along the site boundary with the Hong Kong Wetland Park;
- (j) to note the comments of the Chief Architect/Central Management Division 2, Architectural Services Department that the applicant shall consider further enhancing the visual and air permeability of the development as far as possible, in particular for the 10-storey building along Wetland Park Road. The applicant shall consider proposing gaps between T6 & T7 and T9-T11 to enhance the above-mentioned permeability. Moreover, the tower blocks should be positioned in such a

way as to maximize on the prevailing wind direction. The applicant may consider further reviewing the building disposition and heights to enhance the stepped building height effect. It would be useful to have more sections to illustrate the stepped height profile of the towers at the west portion of the site. Orientation of the blocks and solar control devices should be considered to reduce solar and heat gain and avoid glare as far as practicable. Disposition of the proposed flats is suggested to be designed in such a way as to avoid overlooking problems. Considerable excavation work is proposed at the site as shown in the B/F plan. The applicant may consider a balanced cut and fill design in order to reduce burden on the public fill. A significant number of trees will be felled. The applicant is suggested to consider retaining as many of existing trees as possible. It is suggested that the applicant shall consider a design that is more respectful to the existing landscape character of the site. T1-T8, T13-T14, T18-T20, V1-V10, and H1-H10 are segregated from the proposed communal open space and clubhouse by the road in between. Safe and convenient at grade connection shall be considered. The proposed communal open space is fragmented, and may restrict the usage of the various open spaces. Moreover, the open space will be overshadowed by T13-T17;

- (k) 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;
- (l) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the site is located within the Scheduled Area No. 2 and may be underlain by cavernous marble. For any new development at the proposed area, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site. The applicant is also reminded to submit the works to BD for approval as required under the provisions of the Building Ordinance (BO);

- (m) to the comments of the Chief Building Surveyor/New Territories West, BD that in view of the size of the site, area of any internal streets/roads required under section 16(1)(p) of BO should be deducted from the site area for the purpose of plot ratio and site coverage calculations under BO. While the mean street level has not been specified, the applicant should ensure that the proposed site coverage shall not exceed the First Schedule of Building (Planning) Regulation (B(P)R). The applicant should ensure that the basement carpark can be qualified as underground carpark according to Practice Notes for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers (PNAP) APP 2 if they are disregarded from GFA calculation under B(P)R 23(3)(b). Acoustic fins, unless exempted, are accountable for GFA and Site Coverage (SC) calculation under BO. Recreational facilities are accountable for GFA (unless exempted) and SC calculation under BO. It is noted that fixed glazing, blank wall, acoustic balcony etc. are proposed as noise mitigation measures. The applicant should ensure that the requirements for natural lighting and ventilation under B(P)Rs 30 and 31 are complied with. The proposal should fulfil the Sustainable Building Design requirements set out in PNAP APP-151 and APP-152, if GFA concessions (i.e. excluding/disregarding green/amenity features and non-mandatory/non-essential plant rooms and services from GFA and/or site coverage calculations) are claimed. Detailed examination will be carried out upon building plans submission stage. Detailed checking of the plans will be carried out upon formal submission of building plans;
- (n) to the comments of the Director of Electrical and Mechanical Services that the project proponent shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the proposed work site. Based on the cable plans and relevant drawings obtained, if there is underground cable within or in the vicinity of the proposed work site, the applicant shall carry out the following measures: prior to establishing any structure within the proposed work 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; and

- (o) to the comments of the Director of Food and Environmental Hygiene that if the site shall be used as eating place, whether on temporary or permanent basis, the operation of the eating place should be under a food licence issued by the Food and Environmental Hygiene Department (FEHD). If the operator intends to operate a restaurant business in the territory, a general restaurant/light refreshment licence should be obtained from the FEHD in accordance with the Public Health and Municipal Services Ordinance (Cap. 132). The application for restaurant licence, if acceptable by FEHD, will be referred to relevant government departments, such as BD, the Fire Services Department, PlanD, LandsD (if necessary) for comment. If there is no objection from the departments concerned, a letter of requirements will be issued to the applicant for compliance and the licence will be issued upon compliance of all the requirements. No sanitary nuisance should be generated from the premises.”

Agenda Item 31

Section 16 Application

[Open Meeting]

A/YL-HT/981 Proposed Temporary Open Storage of Containers, Construction Materials and New Vehicles with Site Offices for a Period of 3 Years in “Recreation” Zone, Lots 240, 241, 242, 243, 244 (Part), 245, 248, 284, 285 (Part), 307, 313 (Part), 314, (Part), 315 (Part), 317, 318, 319 (Part), 320, 322, 323, 324, 325, 326, 328, 329, 330, 331, 332, 333 (Part), 334 (Part), 335, 336 (Part), 337, 338, 339, 340, 341, 345 (Part), 346 (Part), 348 RP (Part), 349 in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/981)

104. The Secretary reported that Ms Janice W.M. Lai had declared an interest in this item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. The Committee noted that Ms Lai had already left the meeting.

105. The Committee noted that on 4.11.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time to address the concerns of Government departments. This was the applicant’s first request for deferment.

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

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/278 Proposed Temporary Place of Recreation, Sports or Culture (Hobby Farm) for a Period of 3 Years in “Green Belt” Zone, Lots 626, 710 and 712 in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. A/YL-LFS/278A)

Presentation and Question Sessions

107. The Committee noted that a replacement page for page 14 of the Paper had been tabled at the meeting. Mr Vincent T.K. Lai, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary place of recreation, sports or culture (hobby farm) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received from the Kadoorie Farm and Botanic Garden Corporation, the World Wide Fund For Nature Hong Kong (WWF), the Designing Hong Kong Limited, and the village representatives (VRs), local villagers and public respectively. They objected to the application mainly on grounds of causing undesirable environmental impacts, affecting the rural character of the area, involving extensive clearance of vegetation, generating adverse drainage, traffic, visual and sanitary impacts, and setting an undesirable precedent for similar application. The District Officer (Yuen

Long) advised that one comment from VRs of Mong Tseng Tsuen on the application was received. The VRs objected to the application as it would generate adverse traffic impact; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. The proposal involving recreational use was not entirely in conflict with the planning intention of the “Green Belt” (“GB”) zone for the area which was to provide passive recreational outlets. The proposed development was considered not incompatible with the surrounding land uses, including residential dwellings, ponds and fallow agricultural land. Moreover, the proposal did not involve site formation, land filling, extensive clearance of existing natural vegetation, or any adverse visual impact. The proposal did not contravene the Town Planning Board Guidelines No. 10 on ‘Application for Development within “GB” Zone under Section 16 of the Town Planning Ordinance’. Concerned departments had no objection to or no adverse comment on the application. Relevant approval conditions were recommended to address the technical concerns raised by concerned departments. Furthermore, as the proposed development was a designated project, any potential environmental impacts could be considered in the process under the Environmental Impact Assessment Ordinance. Besides, the Committee had approved seven similar applications for various recreational uses within the same “GB” zone. Regarding the public comments objecting to the application, the planning assessments above were relevant.

108. Members had no question on the application.

Deliberation Session

109. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no land filling or increase in site formation level is allowed on the site during the planning approval period;
- (b) no operation between 7:30 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no public vehicle park is allowed on site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back or reverse onto/from the public road at any time during the planning approval period;
- (e) the provision of fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.2.2016;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.5.2016;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.8.2016;
- (h) the maintenance of the implemented drainage facilities at all times during the planning approval period;
- (i) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2016;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.8.2016;

- (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 20.5.2016;
- (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 20.8.2016;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (g), (i), (j), (k) or (l) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such structures not covered by the permission;
- (b) 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 (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Letter of Approval Nos. MT/LM14329, 14330 and 14331 were granted to allow for erection of agricultural structures on Lots Nos. 709, 626 and 710 respectively in D.D.129. No permission is given for occupation of government land (GL) (about 130m² 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. The site is accessible to Deep Bay Road through GL and private land. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularity 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 Lands Department acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) including granting of GL 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 Assistant Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (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. HyD shall not be responsible for the maintenance of any access connecting the site and Deep Bay Road;
- (f) to note the comments of the Director of Environmental Protection that the proposed development which includes recreational uses, e.g. hobby farm and within the Deep Bay Buffer Zone 2, may constitute a designated project under Item Part 1 of the Environmental Impact Assessment Ordinance -- “A residential or recreational development, other than New Territories exempted houses within Deep Bay Buffer Zone 1 or 2”;
- (g) to note the comment of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that edge treatment along the eastern and southern boundary, in response to the level differences between the site and the adjacent access road and track, should be indicated in the tree preservation proposal and landscape proposal;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure that the proposed development would not encroach on or affect the surrounding pond, watercourse and trees on government land;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (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;

- (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 a New Territories Exempted Houses), they are unauthorized under BO and should not be designated for any approved use under the application. Before any new building works (including containers and open shed as temporary buildings) are to be carried out on the application site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO. The 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;
- (l) to note the comments of the Chief Engineer/Construction Division, Water Supplies Department that water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and
- (m) 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: 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. Prior to establishing any structure within the site, the applicants 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 applicants and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/363 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” Zones, Lot 168 S.A in
D.D.118, Nam Hang Tsuen, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/363)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed 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 Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application from agricultural development point of view as the site was well connected with road access and possessed potential for agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application on grounds of being not in line with the planning intention of the “Agriculture” (“AGR”) zone; setting of an undesirable precedent; lack of assessments to demonstrate that the proposed development would not generate adverse environmental, traffic, drainage and sewage impacts on the surroundings. There were also concerns on the shortage of parking as well as on the issues of right-of-way and fire safety. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper, which were summarised as follows :
 - (i) DAFC did not favour the application from agricultural point of view;
 - (ii) although land available within the “Village Type Development” (“V”) zone could not fully meet the long-term Small House demand, there was still land available within “V” zone for Small House development, in particular for meeting the outstanding Small House applications for the concerned village;
 - (iii) the application did not comply with the Interim Criteria for consideration of application for NTEH/Small House in New

Territories (the Interim Criteria) in that more than 50% of the site and the footprint of the proposed Small House fell outside the village ‘environs’ (‘VE’) and “V” zone of Shung Ching San Tsuen, Shui Tsiu Lo Wai and Nam Hang Tsuen. There was no exceptional circumstance to justify approval of the application; and

- (iv) there was a public comment objecting to the application.

112. In response to some Members’ questions, Ms Bonita K.K. Ho, STP/TMYLW, said that application No. A/YL-TT/341 to the west of the site was for a proposed NTEH. It was approved by the Committee as about 54.7% of the proposed Small House footprint fell within the “V” zone complying with the Interim Criteria. The residential structure at Lot 169 in D.D. 118 to the immediate west of the site was already in existence before the gazette of the notice of the Tai Tong Interim Development Permission Area Plan.

Deliberation Session

113. 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) the proposed development does not comply with the ‘Interim Criteria for Consideration of application for New Territories Exempted House/Small House in the New Territories’ in that more than 50% of the proposed Small House footprint falls outside “Village Type Development” zone or the village ‘environs’.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/364 Proposed Temporary Shop and Services (Flower Shop) for a Period of
3 Years in “Residential (Group D)” Zone, Lot 3267 RP in D.D. 116,
Tai Shu Ha Road East, Tai Tong, Yuen Long
(RNTPC Paper No. A/YL-TT/364)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (flower shop) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning point of view. With reference to the aerial photos in 2012 and 2013, it was noted that the site was originally vegetated with dense shrubs and some trees in its northern and southern portion in 2012, but the vegetation within the site were cleared in 2013. Although the proposed use was not incompatible with the surrounding environment, approval of the application would likely set a precedent encouraging clearing of a site before approval was given. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 2 public comments were received. One of the commenters expressed no comment

on the application, while the other commenter raised concerns on the issue of land shortage and questioned why many sites zoned for residential use were used for other purposes. No local objection/view was received by the District Officer (Yuen Long); and

- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. Regarding the reservation from CTP/UD&L of PlanD, the site was zoned “Residential (Group D)” (“R(D)”) for residential developments. The concerns on the landscape aspect could be addressed by imposing relevant approval conditions. Other concerned departments had no objection to or no adverse comment on the application. Regarding the public commenter raising concerns on the issue of land shortage and land utilization, it was noted that the proposed shop could serve some of the needs of the local residents and approval on a temporary basis would not jeopardize the long-term planning intention of “R(D)” zone.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 20.11.2018, 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 operation on statutory holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any

time during the planning approval period;

- (d) free public access to the existing footpaths within the site, as proposed by the applicant, shall be maintained at all times during the planning approval period;
- (e) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (f) the provision of a waterworks reserve within 1.5m from the centerline of the affected water mains within the site at all times during the planning approval period to the satisfaction of the Director of Water Supplies or of the TPB;
- (g) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.5.2016;
- (h) in relation to (g) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 20.8.2016;
- (i) 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 20.5.2016;
- (j) in relation to (i) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 20.8.2016;
- (k) in relation to (j) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (l) 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 20.5.2016;

- (m) in relation to (l) 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 20.8.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon 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.”

117. 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) 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 Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. The lot owner(s) will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such

application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on government land (GL) extended from Tai Shu Ha Road. His office does not provide maintenance works for the GL nor guarantee any right-of-way;

- (c) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Tai Shu Ha Road East should be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track should be clarified with the relevant management and maintenance authorities accordingly. Also, sufficient space should be provided within the site for manoeuvring of vehicles;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site to prevent surface water running from the site to nearby public roads/drains. HyD shall not be responsible for the maintenance of any access connecting the site and Tai Shu Ha Road East;
- (e) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-2 of the Paper). The gradients and the dimension of the proposed u-channels should be shown on the drainage plan and calculation to justify the dimensions of the proposed u-channel should be provided. The invert levels of the proposed catchpits should also be shown on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan

and the relevant connection details should be provided for comment. The existing drainage facilities, to which the stormwater of the development from the site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposal works. In the case that it is a local village drains, the District Officer/Yuen Long should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the subject development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross-sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should 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;

- (g) to note the comments of the Chief Engineer/Construction, Water Supplies Department that existing water mains will be affected (Plan A-2 of the Paper). The developer shall bear the cost of any necessary diversion works affected by the proposed development. No structure shall be erected over the Waterworks Reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The 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;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations are anticipated to be required. Therefore, 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 to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO), detailed fire services requirements will be formulated upon receipt of formal submission of general building plans; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority 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 Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on 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 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 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 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/763 Proposed Minor Relaxation of Building Height Restriction from 15m to 16.5m for Permitted Industrial Use (not elsewhere specified) and Warehouse (excluding Dangerous Goods Godown) Use in “Industrial” Zone, Lot 1992 & Ext. in D.D.121, 1 Ping Fuk Lane, Yuen Long
(RNTPC Paper No. A/YL-TYST/763)

Presentation and Question Sessions

118. The Committee noted that three replacement pages for page 3, page 5 and Appendix Ic of the Paper had been tabled at the meeting. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of building height restriction from 15m to 16.5m for permitted industrial use (not elsewhere specified) and warehouse (excluding dangerous goods godown) use;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Concerned departments had no adverse comment on the application from the urban/visual perspectives.

119. Members had no question on the application.

Deliberation Session

120. 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 20.11.2019, 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 design and provision of water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

“(a) the approval of the application does not imply that the proposed building design elements to fulfill the Sustainable Building Design Guidelines, the proposed bonus plot ratio and 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) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA 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/Yuen Long, Lands Department (LandsD) that the site involves a private lot, i.e. Lot 1992 in D.D. 121 and the Extension thereto (the Lot) which is governed by the Conditions of Exchange registered as New Grant No. 3033 dated 28.5.1981

as extended by an Extension Letter dated 25.5.1989 and varied and modified by 4 modification letters dated 8.6.1982, 28.8.1987, 25.5.1989 and 17.3.2006. According to the lease conditions, the Lot is restricted to industrial or godown purposes, or both, excluding any trade that is now or may hereafter be declared to be an offensive trade under the Public Health and Municipal Services Ordinance, any regulations made thereunder or any amending legislation. The building(s) on the Lot shall not contain more than 3 storeys and no part of any structure shall exceed a height of 13.5m above the mean formation level of the land on which it stands. In addition, no structure other than boundary walls and fences shall be erected within the non-building area along the southern and western lot boundaries and the Extension Area, except than an electricity transformer room, a waste water treatment plant and an underground liquefied petroleum gas storage tank with ancillary above ground structures are permitted to be built on the portions of the non-building area for the lifetime of the existing building standing on the Lot. As regards the non-building area along the northern lot boundaries, no structure shall be erected within such areas. The proposed lift tower facing Ping Fuk Lane also falls within the Extension Area of the Lot and not only within the non-building area. The registered owner of the Lot has to apply to LandsD for a modification of lease conditions to effect the proposal, including the proposed number of parking and loading/unloading spaces as specified in Table 1 of the submitted Supplementary Planning Statement (Appendix Ia of the Paper). It is advised that the lease modification application will only be considered upon receipt of formal application to LandsD by the lot owner but there is no guarantee that the application for a lease modification will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as landlord at its sole discretion. In the event that any such application is approved, it would be subject to such terms and conditions, including among others the payment of premium and administrative fee, as may be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. Besides, no

vehicle is allowed to queue back to public road or reverse onto/from the public road; and

- (d) 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 and 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 the Building (Planning) Regulation 41D which is administered by BD.”

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

Agenda Item 36

Any Other Business

122. The Committee noted that a section 16A application No. A/NE-LYT/541-4 for extension of time for compliance with planning condition, which was originally scheduled for consideration at the meeting, was withdrawn by the applicant in the afternoon on 20.11.2015. The withdrawal letter from the applicant was tabled at the meeting for Members’ information.

123. Noting that a section 12A application No. Y/ST/28 was once scheduled for consideration at this meeting, the Chairman enquired on the latest position of the application. In response, the Secretary said that the section 12A application No. Y/ST/28 was for rezoning a site on the Sha Tin Outline Zoning Plan from “Green Belt” to “Government, Institution or Community (1)” to regularise the current columbarium use on-site under the name of Ching To Yuen. The application was originally scheduled for consideration at this meeting. According to the Paper issued on 16.11.2015, the Planning Department (PlanD) did not support the application. Subsequently, on 18.11.2015, the applicant submitted a letter withdrawing the application. The Committee noted that there had been a number of cases that the applicants had withdrawn their applications which were not supported by PlanD after

the issuance of the Papers.

124. There being no other business, the meeting closed at 5:30 p.m..