

TOWN PLANNING BOARD

**Minutes of 427th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 15.10.2010**

Present

Director of Planning
Miss Ophelia Y.S. Wong

Chairperson

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Professor Edwin H.W. Chan

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Dr. James C. W. Lau

Dr. W.K. Lo

Mr. Timothy K.W. Ma

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. T.K. Choi

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. H.M. Wong

Assistant Director/New Territories, Lands Department
Mr. Simon K.M. Yu

Deputy Director of Planning/District
Mr. Lau Sing

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Assistant Director (2), Home Affairs Department
Mr. Andrew Y.T. Tsang

In Attendance

Chief Town Planner/Town Planning Board
Mr. J.J. Austin

Town Planner/Town Planning Board
Mr. Wallace W.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 426th RNTPC Meeting held on 24.9.2010

[Open Meeting]

1. The draft minutes of the 426th RNTPC meeting held on 24.9.2010 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(a) **Approval of Outline Zoning Plans**

2. The Secretary reported that on 5.10.2010, the Chief Executive in Council (CE in C) approved three draft Outline Zoning Plans (OZPs) under section 9(1)(a) of the Town Planning Ordinance (the Ordinance). They were the Hung Hom OZP (to be renumbered as S/K9/24), Cheung Chau OZP (to be renumbered as S/I-CC/5) and Fu Tei Au and Sha Ling OZP (to be renumbered as S/NE-FTA/12). The approval of these OZPs was notified in the Gazette on 15.10.2010.

(b) **Reference Back of Approved Outline Zoning Plans**

3. The Secretary reported that on 5.10.2010, the CE in C referred the approved Tsuen Wan OZP No. S/TW/26 and the approved Wan Chai North OZP No. S/H25/2 to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs was notified in the Gazette on 15.10.2010.

Sai Kung and Islands District

[Mr. Charles C.F. Yum and Mrs. Margaret W.F. Lam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 3

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/50 Proposed Minor Relaxation of Plot Ratio (from 0.4 to 0.55) and Building Height (from 2 Storeys over 1 Storey of Carport to 3 Storeys) Restrictions for Permitted House Development in “Residential (Group C) 2” zone, Lot 10 (part) in D.D. 231, Chuk Kok, Sai Kung
(RNTPC Paper No. A/SK-HH/50)

Presentation and Question Sessions

4. With the aid of a PowerPoint presentation, Mr. Charles C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed minor relaxation of plot ratio (PR) (from 0.4 to 0.55) and building height (BH) (from 2 storeys over 1 storey of carport to 3 storeys) restrictions for permitted house development;
- (c) departmental comments – no objection from concerned Government departments was received;

[Mr. Simon K.M. Yu, Dr. W.K. Lo and Mr. B.W. Chan arrived to join the meeting at this point.]

- (d) one public comment from the Designing Hong Kong Ltd. was received during the statutory publication period. The commenter objected to the application on the grounds that there was no overriding public purpose for relaxing the PR and BH restrictions; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper.

The current proposal involved redevelopment of an existing residential building which had been developed according to the lease restrictions (i.e. a total GFA of 282.6m² and a BH of 3 storeys) prior to the publication of the Interim Development Permission Area plan. The currently proposed development with a total GFA of 282.6m² (i.e. a PR of 0.55) and a BH of 3 storeys was mainly to reflect the development parameters of the existing building and the lease entitlement, whereas the site coverage of 20% was also in line with the restrictions under the OZP. Besides, the proposed BH relaxation to 3 storeys (9m) was generally considered not incompatible with the surrounding neighbourhood and the Chief Town Planner/Urban Design and Landscape of PlanD raised no objection to the proposed development. Other relevant departments consulted also had no objection to the application. Besides, the current application merited a special consideration as it was a proposed redevelopment up to the existing bulk and would not set a precedent for other similar applications in the vicinity. The concern of the Designing Hong Kong Ltd. regarding the application was noted and had been duly assessed in the Paper.

5. Mr. T.K. Choi noted that the actual size for each of the two houses was not provided in the submission and suggested amending the advisory clause in paragraph 12.2(c) by adding “depending on the actual size of each house,” before “the number of car parking spaces per house should not exceed 2;” as the car parking requirement would be different. Members agreed.

Deliberation Session

6. The Chairperson concluded that the application was mainly to reflect the bulk of the existing development and its lease entitlement, and no objection from concerned Government departments had been received. Subject to the amendment to the advisory clause as suggested by the Transport Department, the application could be supported.

7. 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 15.10.2014, 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 landscaping proposal and a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to liaise with the District Lands Officer/Sai Kung regarding the lease modification or land exchange matters for the proposed development;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should be reminded to preserve the two existing trees in-situ. From a landscape point of view, at grade planting of trees and shrubs was preferred to potted plants;
- (c) to note the comments of the Commissioner for Transport (C for T) that the existing vehicular access point should be remained unchanged and, depending on the actual size of each house, the number of car parking spaces per house should not exceed 2;
- (d) to note the following comments of the Chief Building Surveyor/New Territories East 2 and Rail, Buildings Department that:
 - (i) as the subject lot was abutting an existing access road which was less than 4.5m wide and could not be regarded as a specified street under the Building (Planning) Regulation (B(P)R) 18(3), the development intensity of the application site should be determined by the Building Authority under B(P)R 19(3);

- (ii) Emergency Vehicular Access complying with B(P)R 41D should be provided;
 - (iii) car parking space provided in excess of the minimum requirement under the Hong Kong Planning Standards and Guidelines or subject to the advice of C for T were accountable for gross floor area calculation under B(P)R; and
 - (iv) other comments would be given at building plans submission stage;
- (e) 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 might need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (f) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/114

Proposed Redevelopment for Two Houses

in "Coastal Protection Area" zone,

Lot No. 665 in D.D. 329, 38 San Shek Wan, Lantau Island

(RNTPC Paper No. A/SLC/114)

Presentation and Question Sessions

9. With the aid of a PowerPoint presentation, Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed redevelopment for two houses;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received from the Designing Hong Kong Ltd. during the statutory publication period. The commenter objected to the application on the grounds that the proposal did not match with the planning intention, and no planning gain or public interest had been proven; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The development intensity and scale (i.e. plot ratio, building height and site coverage) of the proposed development were in line with the development restrictions as stipulated under the Notes of the OZP. The application site was the subject of two approved planning applications (Nos. A/SLT/39 and A/SLC/71) for redevelopment of the existing house into three 2-storey houses with a total plot ratio of 0.4, a site coverage of 20% and a building height of less than 7.6m. Compared with the previously approved scheme, the development intensity and the building height of the proposed redevelopment under the current application remained unchanged. The proposed increase of site coverage from 20% to 24.946% by about 5% was considered small and the site coverage of the current application was within the permitted limit of the OZP. The proposed development would be largely screened off by the existing dense vegetation and proposed landscape plantings and was unlikely to result in adverse visual impacts to

the surrounding environment. Besides, with the reduction of footprint of the proposed two 2-storey houses, 31 numbers of tree would be preserved in-situ preserved. As such, the proposed redevelopment was unlikely to cause significant adverse impact on the landscape resource and landscape character of the area. For the public objection raised by the Designing Hong Kong Ltd., the proposed redevelopment was considered in line with the development restrictions as stipulated in the Notes of the OZP. Relevant Government departments consulted had neither adverse comments nor objections to the development proposal.

10. In response to the enquiry of a Member on how the sewerage issue would be handled under the proposed redevelopment, Mrs. Margaret W.F. Lam said that although the current submission did not provide details on the sewage treatment facility for the proposed development, it was known that septic tank was used for the existing house. In any case, the Environmental Protection Department and Drainage Services Department raised no objection to the application.

11. Mr. H.M. Wong supplemented that there were practical difficulties for some residential sites in the rural New Territories to be connected to the public sewers. The use of septic tanks for small-scale residential developments in these areas was acceptable provided that a minimum distance of 30 metres from the nearest water bodies was kept.

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

12. In view of the remoteness of the application site, another Member was concerned that the environmental quality might be disturbed during the demolition and construction stages of the redevelopment and enquired whether the access road leading to the application site would be overloaded. This Member asked whether a suitable advisory clause could be added to ask the applicant to pay attention to this aspect. In view of the concern of Members, the Chairperson said that an additional advisory clause could be added to remind the applicant of the need to avoid causing damages to the surrounding environment during the demolition and construction stages. She however drew Members' attention to the distinction between advisory clause and condition as the former was only advisory in nature and had no binding effect.

Deliberation Session

13. The Chairperson said that planning approval for redevelopment of the existing residential building on site had in fact been approved previously and was deemed to have commenced upon the approval of the building plans in 2002. The current development scheme required the planning permission from the TPB mainly because of the reduction in the number of houses proposed and changes to the site coverage. While the concern of Members on the sewerage disposal issue was noted, there was practical difficulty for such isolated residential sites in the rural areas to be provided with proper sewerage connections. Hence, the use of septic tanks for these residential developments was considered acceptable. With respect to the concern on the possible environmental impacts arising from the proposed redevelopment, an advisory clause could be added to remind the applicant not to cause damages to the surrounding environment during the demolition and construction stages.

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

14. A Member suggested that an additional advisory clause should be added to warn the applicant on the treatment of sewage disposal so as to minimize its sewage impact as far as possible. Members agreed.

15. After further 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 15.10.2014, 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 water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission of detailed engineering assessments with supporting calculations and implementation of necessary measures to ensure that the proposed development would not affect the safety and integrity of the Water Supplies Department water tunnel to the satisfaction of the Director

of Water Supplies or of the TPB; and

- (c) the submission and implementation of a Landscape Proposal with Tree Preservation Plan to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to take precautions not to cause adverse environmental impacts on the surrounding environment and not to overload the access road leading to the application site during both the demolition and construction stages of the proposed redevelopment;
- (b) to endeavour to minimize the sewage impact arising from the proposed redevelopment;
- (c) to note the comments of the District Lands Officer/Islands, Lands Department (LD) that:
 - (i) the submission of tree felling proposal in connection with the redevelopment proposal to LD for approval was required under the lease; and
 - (ii) the proposal submitted by the applicant did not conflict with the lease conditions governing the application site. The applicant was not required to seek a lease modification from LD for implementation if the proposal was approved by the TPB;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
 - (i) for the Tree Preservation Plan submission, the applicant should submit a Method Statement for the protection of preserved trees and trees in proximity to the site boundary from damage during site

formation and construction stages prior to commencement of any site work; and

- (ii) should there be any upgrading/improvement work for the access road outside the application site, comments and agreement from the concerned authorities should be sought;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should employ proper preservation measures to trees to be retained on site, and avoid disturbance to vegetation in the vicinity during construction;
- (f) to note the comments of the Chief Building Surveyor/ New Territories East (1) & Licensing Unit, Buildings Department (BD) that:
- (i) as the application site did not abut a specified street of not less than 4.5m wide, the site was subject to the determination of development intensity under Building (Planning) Regulation (B(P)R) 19(3);
 - (ii) a proposal of three 2-storey houses was firstly approved under the Buildings Ordinance in 2002, with subsequent amendment plans submitted. The proposed development intensity should be determined again for the revised scheme under B(P)R 19(3); and
 - (iii) emergency vehicular access should be provided to comply with B(P)R 41D and the Code of Practice for Means of Access for Fire Fighting and Rescue;
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should note the requirements of making site formation submissions including the investigation of stability of all geotechnical features and natural hillside within or near the proposed redevelopment, that might or would be affected by the proposed redevelopment to the Building Authority for approval as

required by the provisions of the Buildings Ordinance. Any necessary stabilization works should be carried out and paid for as part of the redevelopment;

- (h) to note the comments of the Director of Fire Services that the applicant should note the provision of emergency vehicular access as stipulated in part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD; and

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
 - (i) the submission of detailed engineering assessments should be made to WSD prior to the submission of building plan to the Building Authority;

 - (ii) no blasting, drilling or piling should be permitted. No well should be sunk. No works should commence without prior approval of WSD; and

 - (iii) due to the relatively high level and remoteness of the site, the applicant might need to make use of his/her private sump and pump system to effect adequate water supply to the development. The applicant should be responsible for the construction, operation and maintenance to WSD's standards of any private water supply system for water supply to the development.

[The Chairperson thanked Mr. Charles C.F. Yum and Mrs. Margaret W.F. Lam, STP/SKIs, for their attendance to answer Members' enquires. Mr. Yum and Mrs. Lam left the meeting at this point.]

confined within the “Village Type Development” (“V”) zone as far as possible. Such development if permitted would set an undesirable precedent for similar application, the cumulative adverse traffic impact of which could be substantial;

- (d) four public comments were received during the statutory publication period. Two of them indicated no comment on the application. The other two comments, from the World Wide Fund for Nature Hong Kong and the Designing Hong Kong Ltd., raised objection to the application for reasons that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, incompatible with the current and proposed land uses, there was no sustainable layout for the village environment and the proposed development might incur adverse impacts to the adjacent trees and vegetation; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application in view that the site had high potential for agricultural rehabilitation. The application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (‘Interim Criteria’) in that the footprints of the proposed two Small Houses fell entirely outside both the ‘VE’ and “V” zone of Fu Tei Pai Village and there was sufficient land in meeting the Small House demand. DLO/N hence did not support the application. Although there was one similar application (No. A/NE-LYT/272) for proposed Small House development which fell partly within the same “AGR” zone in the vicinity of the current application site was approved with conditions by the Committee on 12.3.2004, it was approved on sympathetic considerations as it generally met the assessment criteria in the ‘Interim Criteria’ in that about 59% of the application site fell both within the ‘VE’ and “V” zone of Fu Tei Pai Village and about 66% of the footprint of the proposed Small House fell within the “V” zone. The approval of the current application, which did not comply with the

prevailing Interim Criteria, would set an undesirable precedent for similar applications within the “AGR” zone. Besides, there were public comments against the application on the grounds that the application site was zoned “AGR”, the proposed development was not in line with the planning intention, and the construction work due to the proposed Small Houses might incur adverse impacts to the adjacent trees and vegetation.

18. Noting the presence of a number of residential dwellings and temporary structures both to the northwest and south of the application site, which fell within the same “AGR” zone, a Member enquired whether these developments had been given formal approval. In response, Mr. W.K. Hui said that he did not have the information in hand but suspected that they were in existence before the OZP was gazetted. However, for new Small House developments, the Government should strictly follow the ‘Interim Criteria’ for possessing planning applications for Small House developments. As the application site of the current application fell entirely outside the “V” zone and ‘VE’ of Fu Tei Pai Village, and sufficient land was available to meet the 10-year Small House demand, the application should not be supported. In accordance with the planning intention for this area, new Small House developments should be confined as far as possible within the boundary of the “V” zone.

19. In response to the same Member’s query on whether there was a change in the boundary of the ‘VE’, Mr. W.K. Hui explained that the boundary of “V” zone of Fu Tei Pai Village had been re-drawn in 1999 in order to meet the needs of this village and the changing circumstances. As a result of the extension of “V” zone, the northern portion of the application site of Application No. A/NE-LYT/157 was rezoned from “AGR” to “V” while the zoning of its southern portion (where the application site was located) remained unchanged as “AGR”. Mr. Hui emphasized that the boundary of “V” zones on the OZP would be reviewed from time to time and adjusted, if necessary, to meet the changing circumstances.

20. The Chairperson remarked that the presence of scattered domestic structures was quite common in the rural areas.

21. While agreeing with PlanD’s recommendation that the current application should not be supported, the same Member opined that the applicant might feel aggrieved by the

TPB's decision to reject the application even though several residential developments were in existence in the vicinity of the application site. This Member suggested that the "V" zone for the area might need to be reviewed.

22. Noting that the 'VE' boundary as shown on the Plan A submitted by the applicant and Plan A-2 of the Paper was different, another Member enquired about the discrepancy and asked whether the 'VE' boundaries of recognized villages were published by the Government. In response, Mr. W.K. Hui said that the 'VE' boundary was drawn up based on the information provided by DLO/N. The discrepancy might be due to the applicant's own interpretation on how 'VE' boundaries were drawn.

23. Mr. Simon K.M. Yu said that there was no question on the accuracy of the 'VE' boundaries as these were drawn based on well established procedures and criteria adopted by the Lands Department under the Small House Policy. In case the applicant had doubts on the 'VE' boundary, he should approach DLO/N for clarification. Mr. Yu said that the current application should be considered according to the prevailing policy and the 'Interim Criteria' which was endorsed by the TPB for processing Small House applications.

Deliberation Session

24. The Chairperson concluded that the application should not be supported as it was not in line with the 'Interim Criteria' in that the application site was outside both the "V" zone and the 'VE' boundary of Fu Tei Pai Village and there was sufficient land in meeting the Small House demand. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and considered that they were appropriate. After deliberation, the Committee decided to reject the application and the reasons were :

- (a) the proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone in the Lung Yeuk Tau and Kwan Tei South area which was 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;

- (b) the proposed development was not in line with the Interim Criteria for Assessing Planning Applications for New Territories Exempted House (NTEH)/Small House Development in the New Territories in that the footprints of the proposed two Small Houses fell entirely outside both the village 'environs' and "Village Type Development" ("V") zone of Fu Tei Pai Village and there was no shortage of land in meeting the demand for Small House development in the "V" zone of Fu Tei Pai Village. There was no exceptional circumstances to merit special consideration of the application;
- (c) Small Houses should be developed within the "V" zone so as to ensure an orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (d) the approval of the application, which did not comply with the Interim Criteria for Assessing Planning Applications for NTEH/Small House Development in the New Territories, would set an undesirable precedent for other similar applications within the "AGR" zone. The cumulative impact of approving such similar application would result in a general degradation of the environment of the area.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/NE-TKL/331 Proposed Columbarium
in "Government, Institution or Community (1)" zone,
Lots 11 S.A (Part) and 11 S.B in D.D. 77, Ping Che, Fanling
(RNTPC Paper No. A/NE-TKL/331B)

25. The Committee noted that on 4.10.2010 the applicant's representative had submitted a request for a further deferment of the consideration of the application for one

month in order to allow time to study and discuss with the bus company on possible enhancement of public transport bus services for Wun Chuen Sin Kwoon during festival days in response to Transport Department's comments.

26. 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 to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of one month was allowed, resulting in a total of three months, for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/716 Shop and Services (Retail Shop)
in "Industrial" zone,
Part of Room B, Workshop 6, Level 1, Wah Yiu Industrial Centre,
Nos. 30-32 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/716)

Presentation and Question Sessions

27. Mr. W.K. Hui, DPO/STN, said that replacement page 8 for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the shop and services (retail shop);
- (c) departmental comments – no objection from concerned Government

departments was received;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessment made in paragraph 11 of the Paper. The retail shop under application was considered not incompatible with the adjoining units on the street level of the same industrial building which were occupied by mixed industrial and commercial uses. In view of the nature of operation of the applied use, no adverse environmental, hygienic and infrastructural impacts on the surrounding areas were anticipated. The retail shop under application was in line with the TPB Guidelines No. 25D as the approval of the current application involving a floor area of about 24.46m² would not exceed the maximum permissible limit of 460m² on the ground floor of an industrial building with sprinkler system, and the applied use would have direct discharge to street and would not adversely affect the traffic conditions in the local road network. All the Government departments consulted had no comment on or objection to the application. Nevertheless, in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended.

28. Members had no question on the application.

Deliberation Session

29. In conclusion, the Chairperson said that the application could be supported as the application was in line with the TPB Guidelines No. 25D and relevant Government departments consulted, including the Fire Services Department, had no objection to the application. In line with the established practice of TPB in approving this type of

applications, a temporary approval of three years should be granted so as not to jeopardize the long term planning intention of the subject industrial building.

30. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2011;
- (b) the implementation of the fire safety measures within nine months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2011; and
- (c) if any of the above planning conditions (a) or (b) was 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.

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 application premises;
- (b) a temporary approval of three years was given in order to allow the Town Planning Board to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to apply to the District Lands Officer/Shu Tin for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East

(1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls having a fire resisting period of not less than two hours;

- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion was available for the area under application; and
- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

Agenda Items 8 to 10

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/415 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 425 S.F in D.D.9, Kau Lung Hang San Wai,
Kau Lung Hang, Tai Po

(RNTPC Paper No. A/NE-KLH/415 to 417)

A/NE-KLH/416 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 425 S.G in D.D.9, Kau Lung Hang San Wai,
Kau Lung Hang, Tai Po

(RNTPC Paper No. A/NE-KLH/415 to 417)

A/NE-KLH/417 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 425 S.H in D.D.9, Kau Lung Hang San Wai,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/415 to 417)

Presentation and Question Sessions

32. Members noted that the three applications were grouped together under one RNTPC Paper as they were similar in nature and the application sites were located next to each other and within the same “Village Type Development” (“V”) and “Agriculture” (“AGR”) zones.

33. Mr. W.K. Hui, DPO/STN, said that replacement page 1 for the Paper had been sent to Members before the meeting. He then presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application site;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the application sites were mostly within the “AGR” zone and had high potential for agricultural rehabilitation even though they were hard paved;
- (d) two public comments were received during the statutory publication period. One of the comments, submitted by the Village Representatives of Kau Lung Hang Village, objected to the application as the application sites were mostly within the “AGR” zone and mostly outside the “V” zone. The other commenter, the Designing Hong Kong Ltd., objected to the application for reasons that the proposed Small House developments would affect the surrounding environment and there was no sustainable village

layout plan for the area; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 11 of the Paper. Notwithstanding DAFC's concerns that the sites had high potential for agricultural rehabilitation and hence the applications should not be supported, the proposed three Small Houses under the applications generally met the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' ('Interim Criteria') in that the footprints of the proposed Small Houses fell entirely within the village 'environs' of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai and there was a general shortage of land in "V" zone to meet the demand for Small House development. Although the application sites were within the upper indirect water gathering grounds and located adjacent to the Kau Lung Hang Ecologically Important Stream (EIS), public sewerage connection points would be provided in the vicinity of the sites and the proposed Small Houses, with the consent of the adjacent owner of Lot 425 RP, could technically be connected to the planned sewerage system in the area. As such, both the Director of Environmental Protection and the Chief Engineer/Development (2) of Water Supplies Department had no objection to the applications. Regarding DAFC's concern on possible impacts on the Kau Lung Hang EIS, it was considered that sewerage discharge from the proposed houses would not cause water pollution problem to the EIS as they would be able to be connected to the planned sewage system in the area. Besides, the proposed Small Houses were not incompatible with the surrounding rural environment and landscape setting and the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the applications. The proposed Small Houses would also unlikely cause adverse traffic and drainage impacts on the surrounding areas. There were a number of similar applications for Small House developments in the vicinity approved by the Committee or the TPB upon review in accordance with the revised Interim Criteria. The approval of the applications would be in line with the previous decisions of the Committee. Concerned Government

departments had no comment on the public comments against the applications.

34. Members had no question on the application.

Deliberation Session

35. The Chairperson concluded that the application could be supported as it complied with the 'Interim Criteria' and there was a general shortage of land in the "V" zone for Small House development.

36. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 15.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage systems to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (d) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

37. The Committee also agreed to advise each applicant of the following :
- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
 - (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
 - (c) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
 - (d) the applicant should make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
 - (e) to note the comments of the Director of Agriculture, Fisheries and Conservation on the need to follow the Practice Note for Authorized Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/rivers from adverse impacts arising from construction works' issued by the Buildings Department, in particular the Appendix B, 'Guidelines on Developing Precautionary Measures during the Construction Stage' so as to avoid disturbance to the Ecologically Important Stream (EIS) and causing water pollution;
 - (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) to maintain a minimum clearance of 3.5m between the top of the river banks of the EIS and the edges of the house. Any obstruction or interference to the stream course by the applicant should be prohibited at any time during and after construction of the Small House;
 - (g) to note the comments of the Chief Engineer/Project Management, DSD on the need to continue to pay attention to the latest development of the

proposed sewerage scheme. DSD would also keep all the relevant Village Representatives informed of the latest progress;

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as detailed in paragraph 4 of Appendix VI of the Paper; and
- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/420 Temporary Warehouse for Storage of Ceramic Tiles
for a Period of 3 Years in “Green Belt” zone,
Lots 617 S.B ss.1 and 618 S.B RP (Part) in D.D. 9, Nam Wa Po,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/420)

Presentation and Question Sessions

38. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary warehouse for storage of ceramic tiles for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as the nearest village house of Nam Wa Po was located at about 82m to the northwest of the application site, and

environmental nuisance was expected. He, however, advised that no environmental complaint against the site was received in the past three years;

- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Ltd. objected to the application on the grounds that the applied use was not in line with the planning intention for the area and would cause environmental blight to the area. The application site, which fell within Category 3 areas under the open storage planning criteria, was not suitable for open storage. The commenter suggested that, if the application was approved, conditions on the provision of landscaping and peripheral fencing should be imposed; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary warehouse for storage of ceramic tiles could be tolerated for a period of two years, instead of three years as proposed by the applicant, based on the assessment made in paragraph 12 of the Paper. The application was not in line with the planning intention of the “Green Belt” zone. Nonetheless, the application was the subject of six previous applications (No. A/DPA/NE-KLH/3, A/NE-KLH/48, 139, 202, 313 and 373) submitted by the same applicant for temporary open storage or temporary warehouse for storage of ceramic tiles approved by the Committee or the TPB since 1992. Compared with the last previous application (No. A/NE-KLH/373), the current application was basically the same in terms of the applied use, site area/boundary and layout. Given that the subject application was for a small scale warehouse storing ceramic tiles, it would unlikely cause significant adverse environmental impacts on the surrounding areas. Concerned Government departments, except DEP, generally had no objection to or no adverse comment on the application. Although the latest planning approval (Application No. A/NE-KLH/373) was revoked for non-compliance with the approval conditions, the applicant had, without notifying the relevant Government departments, actually undertaken most of the works required to comply with the approval conditions. Given that the application was the subject of

previous planning approvals and there had been no significant change in the planning circumstances since the last approval, and that the applicant had shown genuine intention to comply with the approval conditions, sympathetic consideration might be given to the application. As the last approval was revoked due to non-compliance with the approval conditions and the areas surrounding the site were undergoing changes partly due to the ongoing drainage improvement works, a shorter compliance period and a shorter approval period of 2 instead of 3 years were recommended to allow close monitoring of the progress of compliance and the use of the site. On the objection raised by the Designing Hong Kong Ltd., it should be noted that the subject storage use had been in existence for a long time and there had been no environmental complaint. With regard to the commenter's suggestion for landscape treatment and fencing, a landscape condition had been included and fencing had already been provided at the site.

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

39. A Member referred to paragraphs 12.3 and 12.5 of the Paper, which stated that the applicant had finished the implementation of protective measures against pollution to the water gathering grounds and the landscape planting on site as required under the compliance conditions but had not notified concerned Government departments on the implementation of the works, and enquired whether the approval had been wrongly revoked.

40. In reply, Mr. W.K. Hui said that according to PlanD's record, not all the approval conditions had been complied with, for example the submission and implementation of water supplies for fire fighting and fire service installations proposals. Hence, revocation of the planning permission was correct.

41. A Member suggested that a checklist should be provided to the applicant setting out those approval conditions as well as their compliance period, if any, that needed to be complied with by the applicants. The Chairperson explained that while there was no objection to provide an additional checklist to assist the applicants to comply with the approval conditions, under the current practice, the applicants were already provided with a

list of relevant Government departments and their contact persons for various approval conditions in the approval letters. The Chairperson requested the Secretariat to follow-up on the suggestion to issue a checklist.

[Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

Deliberation Session

42. In conclusion, the Chairperson said that although the application was the subject of a previous planning approval revoked by the TPB for non-compliance with the approval conditions, sympathetic consideration might be given to the application as the applicant had actually undertaken most of the works required to comply with the approval conditions. Given that DEP had reservation on the application but no environmental complaint against the site had been received in the past three years, a shorter approval period of 2 years and a shorter compliance period were recommended in order to closely monitor the progress of compliance and the use of the site.

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years, instead of 3 years sought, until 15.10.2012, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no workshop activities should be carried out on the site at any time during the planning approval period;
- (b) no excavation works should be carried out unless prior written approval from the Director of Water Supplies was obtained, and no sinking of wells, blasting, drilling or piling works were allowed on the site at any time during the planning approval period;
- (c) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (d) the implementation of the accepted protective measures against pollution or

contamination to the water gathering grounds within 3 months from the date of planning approval to the satisfaction of the Director of Water Supplies or of the TPB by 15.1.2011;

- (e) the submission of water supplies for fire fighting and fire service installations proposals within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2011;
- (f) in relation to (e) above, the implementation of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2011;
- (g) the implementation of the accepted landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2011;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (d), (e), (f) or (g) was not complied with by the above specified date, the approval hereby given should cease to have effect and should be revoked on the same date without further notice; and
- (j) 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.

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

- (a) planning permission should have been renewed before continuing the

applied use at the application site;

- (b) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Town Planning Board to any future application;
- (c) a shorter approval period of 2 years and shorter compliance periods for compliance with approval conditions were granted to allow close monitoring of the use of the site and the progress of compliance;
- (d) to apply to the District Lands Officer/Tai Po for a Short Term Waiver for the erection of the warehouse on the subject private lots and a Short Term Tenancy for the proposed use on the Government land;
- (e) to follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to strictly observe the comments of the Chief Engineer/Development (2), Water Supplies Department as detailed in Appendix V of the Paper;
- (g) to note the comments of the Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) that proposed public sewer and rising mains would be laid underneath the existing access in the vicinity of the site and the applicant should ensure that the temporary warehouse should not have any works, including below or above ground structures, extending outside the application site to avoid conflicts with the proposed sewerage in the vicinity of the site;
- (h) to note the comments of the CE/PM, DSD that the existing roads, alleys, footpaths and open spaces or parts thereof within the limit of works area of the project might be closed temporarily during the construction period of

the proposed sewerage;

- (i) to note the comments of the Director of Fire Services regarding the submission of relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval and subsequently the provision of the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should provide layout plans in scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed and the access for emergency vehicles should be clearly indicated on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-KLH/421 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 11 S.Y in D.D. 7, Tai Hang Village, Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/421)

45. The Secretary reported that after issuing the RNTPC Paper, a letter was received from the applicant on 15.10.2010 (tabled at the meeting) requesting for a deferment of the consideration of the planning application for two months to allow time for the applicant to

revise the layout of the proposed Small House. The Secretary said that the justifications for deferment met the criteria as set out in the TPB Guidelines on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’ (TPB PG-No. 33).

46. 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 to the Committee for consideration within two months from the date of receipt of further information from the applicant. 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 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/406 Proposed House (New Territories Exempted House – Small House)
in “Village Type Development” and “Agriculture” zones,
Lot 578 S.G in D.D.8, Ma Po Mei Village, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/406)

Presentation and Question Sessions

47. Mr. W.K. Hui, DPO/STN, reported that replacement page 5 to Appendix V of the Paper was tabled at the meeting for Members’ reference. He then 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 – the Director of Agriculture, Fisheries and

Conservation (DAFC) did not support the application as the site could be maintained for agricultural uses. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed house appeared to be in conflict with some fruit trees on the site;

- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Ltd. objected to the application on the grounds that the site was largely zoned “Agriculture” (“AGR”) on the OZP and the absence of a sustainable village layout plan for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. Although the application site largely fell within the “AGR” zone and DAFC did not support the application as the site could be maintained for agricultural uses, the site was the subject of a previous application No. A/NE-LT/274 submitted by the same applicant which was approved by the Committee on 23.8.2002. Similar to the previous application, the proposed Small House under the current application generally met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (‘Interim Criteria’) in that its footprint was entirely within the village ‘environs’ of Ma Po Mei Village and there was a general shortage of land in meeting the demand for Small House development. Although the application site was within the upper indirect water gathering grounds (WGG) and the Lam Tsuen River was immediately on its east, according to the Chief Engineer/Project Management, Drainage Services Department, public sewers were planned in the vicinity of the site and were tentatively programmed to be completed in 2016/17. The proposed Small House could be connected to the public sewerage system in the area. Both the Director of Environmental Protection and Chief Engineer/Development (2), Water Supplies Department had no objection to the application. As compared with the previous application, the condition of the site and the surrounding areas had no major change except that some trees on the site had grown in size. To address the concern of CTP/UD&L of PlanD, the

applicant undertook to plant trees in the area surrounding the proposed house to beautify the environment and compensate for the trees lost. An approval condition requiring the submission and implementation of landscape and tree preservation proposals was recommended. Regarding the public comment against the application, it should be noted that the proposed Small House was considered generally compatible with the surrounding rural environment and it was unlikely to have any significant adverse traffic and drainage impacts on the surrounding areas. Other concerned Government departments consulted also had no adverse comment on the application. Given that the application site had a previous planning approval (A/NE-LT/274) which lapsed on 23.8.2010 and the delay in the commencement of the previously approved Small House development within the WGG was beyond the control of the applicant, sympathetic consideration could be given for the current application.

48. A Member noted that the application site was in close proximity to the Lam Tsuen River and asked if there were any guidelines regarding Small House development so as to minimize the possible adverse environmental impacts. Mr. W.K. Hui replied that for Small House developments, a minimum distance of 30m from the nearest river / water bodies would be required if septic tank was used for the residential development. As the proposed Small House would be connected to public sewers, the minimum distance requirement was not applicable. There was also an administrative requirement for the footprint of the Small House to be kept at least 3.5m away from the river banks to provide adequate space for cleaning purpose. Mr. Hui confirmed that the above guidelines had been complied with.

Deliberation Session

49. The Chairperson concluded that the application could be supported as it complied with the 'Interim Criteria' and the proposed Small House could be connected with the public sewerage system in the area and there was a general shortage of land to meet the Small House demand.

50. 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 15.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (e) the provision of protective measures to ensure no pollution or siltation would occur to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

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

- (a) the actual construction of the proposed Small House should only begin after the completion of the public sewerage network;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage network;
- (c) to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan of construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;

- (d) to make proper sewer connection from the proposed Small House to the public sewerage at his own cost;
- (e) to follow the Practice Note for Authorized Persons and Registered Structural Engineers No. 295, 'Protection of natural streams/ivers from adverse impacts arising from construction works' issued by the Buildings Department, in particular Appendix B, 'Guidelines on Developing Precautionary Measures during the Construction Stage' to protect the river nearby from adverse impacts arising from construction works;
- (f) to note the comments of the Chief Engineer/Project Management, Drainage Services Department (DSD) that the applicant should be vigilant on the latest situation of the proposed sewerage scheme, for which the Village Representatives would be kept informed by the DSD;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as detailed in paragraph 4 of Appendix V of the Paper;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department; and
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the unnamed access lying to the west of the application site was not maintained by his office.

Agenda Items 14 and 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/322 Proposed House (New Territories Exempted House – Small House) in “Village Type Development” and “Green Belt” zones, Lot 1524 S.A ss.3 in D.D. 17, Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/322 and 323)

A/NE-TK/323 Proposed House (New Territories Exempted House – Small House) in “Village Type Development” and “Green Belt” zones, Lots 1455 RP and 1521 s.C ss.2 in D.D. 17 and Adjoining Government Land, Lo Tsz Tin Village, Tai Po
(RNTPC Paper No. A/NE-TK/322 and 323)

Presentation and Question Sessions

52. Members noted that the two applications were grouped together under one RNTPC Paper as they were similar in nature and the application sites were located next to each other and within the same “Village Type Development” (“V”) and “Green Belt” (“GB”) zones.

53. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the application site;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Ltd. raised objection to Application No.

A/NE-TK/322 as there was no sustainable layout plan for the area which was zoned “GB”; and

- (e) the Planning Department (PlanD)’s views – PlanD has no objection to the applications based on the assessment made in paragraph 12 of the Paper. The proposed Small Houses complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (‘Interim Criteria’) in that more than 50% of the footprints of the proposed Small Houses fell within the “V” zone and there was a general shortage of land in meeting the demand for Small House development. Besides, the sites were located at the eastern fringe of an existing village and village houses could be found on the south and west of the sites. Although the development of the sites for Small Houses was not in line with the planning intention of the “GB” zone, the proposed Small Houses fell partially within “V” zone (50% and 88% for Applications No. A/NE-TK/322 and 323 respectively) and were considered not incompatible with the existing village setting and the surrounding rural environment. As there were no trees within the site boundaries and the vegetation being affected were of common species, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. The proposed Small House developments met the relevant assessment criteria in the TPB Guidelines No. 10 for development within “GB” zone in that there were already a number of NTEH/Small House developments approved under Applications No. A/NE-TK/197, 222 and 266 in close proximity to the sites. Regarding the public comment against the proposed development for reason that there was a lack of sustainable layout for the area, concerned Government departments consulted had no objection to or adverse comments on the applications.

54. A Member referred to Plan A-2 of the Paper and asked whether only 50% of the application sites fell within the “V” zone. In response, Mr. W.K. Hui stated that according to the table in paragraph 10 of the Paper, while about 33% and 76% of the footprint of the Small Houses under application fell within the village ‘environs’, about 55% and 88% of the application sites for Applications No. A/NE-TK/322 and 323 fell within the “V” zone. Mr.

Hui further pointed out that according to the 'Interim Criteria', favourable consideration could be given to the application if not less than 50% of the proposed Small House footprint fell within the "V" zone, provided that there was a general shortage of land in meeting the Small House demand.

Deliberation Session

55. In conclusion, the Chairperson stated that the application could be supported as it complied with the 'Interim Criteria' and there was a general shortage of land in meeting the demand for Small House development.

56. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 15.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each 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; and
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

Application No. A/NE-TK/322

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no existing public stormwater drains available for connection in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the

site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;

- (b) to note the comments of CE/MN, DSD that there would be public sewerage system in the vicinity of the site under the DSD Works Contract No. DC/2008/05 – “Tolo Harbour Village Sewerage Stage 1 – Remaining Works”. The applicant could consider making sewage connection to the public sewer when it was available in the future. However, the feasibility of sewage connection was subject to the existing site conditions and land constraints;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;
- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded to make necessary submission to the District Lands Officer to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

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

Application No. A/NE-TK/323

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no existing public stormwater drains available for connection in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems;
- (b) to note the comments of CE/MN, DSD that there would be public sewerage system in the vicinity of the site under the DSD Works Contract No. DC/2008/05 – “Tolo Harbour Village Sewerage Stage 1 – Remaining Works”. While the proposed public sewer was located at a section of Government land to the north of the Small House, the applicant could make sewage connection to the public sewer when it was available in the future;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable Government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the

site could not provide the standard fire-fighting flow;

- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should be reminded to make necessary submission to the District Lands Officer to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and to obtain planning permission from the TPB where required before carrying out the road works.

Agenda Items 16 to 18

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/324 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 595 S.B in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/324, 325 and 326)

A/NE-TK/325 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 611 S.A in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/324, 325 and 326)

A/NE-TK/326 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 611 S.B in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/324, 325 and 326)

Presentation and Question Sessions

58. Members noted that the three applications were grouped together under one RNTPC Paper as they were similar in nature and the application sites were located next to each other and within the same “Agriculture” (“AGR”) zone.

59. Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application site;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the sites had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) had reservation to the applications as the proposed Small Houses were located more than 100m away from the nearest trunk sewer and there would be practical difficulty in connecting the sewer from the proposed houses to the trunk sewer. The Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as there was insufficient information in the applications to show that the three application sites could be able to be connected to the public sewers. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications as the area was highly sensitive to urban development and approval of the applications would set an undesirable precedent to other similar Small House applications;

- (d) two public comments were received during the statutory publication period. While one comment, from the Indigenous Inhabitant Representative (IIR) of Shan Liu Village, supported the applications, the other comment, from the Designing Hong Kong Ltd., objected to the applications as the area was zoned “AGR” and there was no sustainable layout of infrastructure and development; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment made in paragraph 11 of the Paper. Although the application sites were entirely within the village ‘environs’ (‘VE’) of Shan Liu Village and there was a general shortage of land in meeting the demand for Small House development, the proposed Small Houses were located within the water gathering grounds (WGG) and they did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (‘Interim Criteria’) in that it was uncertain whether the proposed septic tanks serving the Small Houses could be connected to the planned sewerage system in the area. The applicants failed to demonstrate that the proposed developments would not cause adverse impact on the water quality and would not cause adverse impact on the rural landscape. Given that the sites were located more than 100m away from the nearest trunk sewer and were surrounded by private lots, DEP commented that there was uncertainty on the technical feasibility of connecting the proposed Small Houses to the trunk sewer and no branch sewer was planned by the Director of Drainage Services. As such, both DEP and CE/Dev(2) of WSD did not support the applications. CTP/UD&L of PlanD raised objection to the applications and pointed out that the area was highly sensitive to urban development. Approval of the applications would set an undesirable precedent to other similar applications in the area. DAFC also did not support the applications as the sites had a high potential for agricultural rehabilitation. There were public comments received from IIR of Shan Liu Village in support of the three applications and from the Designing Hong Kong Ltd. objected to the three applications as the area as was zoned “AGR” and there was a lack a plan for a sustainable layout of infrastructure and development. Relevant

Government departments had no comment on these public comments.

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

60. Noting that the boundary of the 'VE' of Shan Liu Village was much larger than that of the "Village Type Development" ("V") zone, a Member enquired how this 'VE' was determined. In response, Mr. Simon K.M. Yu explained that the 'VE' boundary was drawn up by the respective DLO in consultation with the local villagers under the Small House Policy. The 'VE' would include an area within 300ft. of the last small house of a recognized village built by the end of 1972.

61. In response to the further enquiry of the same Member, Mr. W.K. Hui said that the land available in the "V" zone of Shan Liu Village was far from adequate to meet the Small House demand. According to the latest estimate by PlanD, only about 0.41ha (or equivalent to about 16 Small House sites) of land was available, while the future Small House demand was about 6.93ha (or equivalent to about 277 Small House sites). Mr. Hui explained that the applications could not be supported as the application sites were located within WGG and there were technical problems and uncertainties in making connections to the planned sewerage system. Moreover, despite the sewer laying works at Shan Liu Road was scheduled to commence in 2011 for completion in 2013, no branch sewer was planned by Drainage Services Department as the proposed Small Houses were outside the "V" zone.

Deliberation Session

62. The Chairperson concluded that the application could not be supported as the proposed Small Houses were located within the WGG and there was uncertainty on whether the proposed septic tanks serving the Small Houses could be connected to the planned sewerage system in the area.

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

- (a) the proposed development did not comply with the Interim Criteria for

Consideration of Application for New Territories Exempted House/Small House in New Territories as there was uncertainty on the technical and legal feasibility in connecting the proposed Small House in the Water Gathering Grounds to the planned sewerage system in the area. The applicant failed to demonstrate that the proposed development would not cause adverse impact on the water quality in the area; and

- (b) the applicant failed to demonstrate that the proposed development would not cause adverse impact on the rural landscape of the area.

[Dr. W.K. Lo and Mr. B.W. Chan left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/455 Proposed Public Utility Installation
(Public Utility Pipeline and Electric Cables) and Excavation of Land
in “Conservation Area” zone,
Government Land at Tai Po Kau Outlet near Tai Hang Bridge
(RNTPC Paper No. A/TP/455)

Presentation and Question Sessions

64. Mr. Kervis W.C. Chan, TP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public utility installation (public utility pipeline and electric cables) and excavation of land;
- (c) departmental comments – no objection from concerned Government departments was received;

- (d) two public comments were received during the statutory publication period. The Designing Hong Kong Ltd. objected to the application on the grounds that no detailed information on tree felling and compensation had been provided, how trees would be protected and managed during and after the construction period, and that approval of the case would set an undesirable precedent for other similar applications. The other public comment was made by an individual, who commented that the project title did not match with the location of the site and might cause confusion; and

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

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The subject site was zoned “Conservation Area” (“CA”) and there was a general presumption against development in this zone. Nonetheless, the proposed development was considered an essential infrastructural works to strengthen the capacity of electricity supply networks in Tai Po and Pak Shek Kok areas to ensure the electricity supply reliability for nearby developments and the proposed cable circuits routing was found to be the only feasible option. Considering that all the utility installations would be underground or underwater, the impact of the proposed development on the surrounding area was considered to be minimal. To address the concern of the Director of Agriculture, Fisheries and Conservation and the Chief Town Planner/Urban Design and Landscape of PlanD, the applicant proposed to transplant/replant the 17 immature trees affected by the development. Nevertheless, the inclusion of an approval condition on submission and implementation of landscape and tree preservation proposals was recommended. Other Government departments consulted had no objection to or no adverse comment on the application. Regarding the Designing Hong Kong Ltd's concern, the supplementary statement indicated that 17 immature trees to be affected by the proposed development within the “CA” zone would be transplanted / replanted. As to the public comment questioning why the name Tai Hang Bridge was

used in the project title when published for public inspection, the applicant had clarified that Tai Hang Bridge was the name of the vehicular bridge portion of Tolo Highway located to the north of the subject site and had been used on the map of CLP Power Hong Kong Ltd and in the Project Profile approved under the Environmental Impact Assessment Ordinance.

65. Members had no question on the application.

Deliberation Session

66. The Chairperson concluded that the application could be supported as it was an essential infrastructure to provide electricity supply to the Tai Po and Pak Shek Kok areas, all the utility installations would be laid underground or underwater, and the applicant had promised to transplant / replant the 17 trees to be affected by the proposed development.

67. 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 15.10.2014, 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 condition that the submission and implementation of landscape and tree preservation proposals, including transplanting or replanting proposals, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po (DLO/TP) that the applicant should apply to his office for necessary Excavation Permit(s) for implementation of the project and should thereafter update the Master Plan as required under the Block Licence after completion of the works in due course;
- (b) to note the comments of the DLO/TP that the applicant should provide details of the proposed transplanting location(s) for the transplanted trees for consideration of relevant departments;

- (c) to note the comments of the Commissioner for Transport that the applicant should submit the temporary traffic management schemes for his comments prior to carrying out the roadworks;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should carry out tree planting within the project area to compensate for the tree lost; and
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should provide necessary design/excavation lateral support submission to the relevant authority for approval.

Agenda Items 20 and 21

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/456 Proposed 2 Houses
(New Territories Exempted Houses – Small Houses)
in “Green Belt” zone,
Lots 96S.B ss.3, 98S.A ss2, 98S.A RP, 98S.B, 99S.A,
99S.B ss.2 and 99S.B ss.3 in D.D.12, Ha Hang, Tai Po
(RNTPC Paper No. A/TP/456 & 457)

A/TP/457 Proposed 2 Houses
(New Territories Exempted Houses – Small Houses)
in “Green Belt” zone,
Lots 96S.A ss.5, 96S.B ss.2, 97S.A, 98S.A ss.1, 98RP,
99S.B ss.1 and 99S.B ss.4 in D.D.12, Ha Hang, Tai Po
(RNTPC Paper No. A/TP/456 & 457)

Presentation and Question Sessions

69. Members noted that the two applications were grouped together under one RNTPC Paper as they were similar in nature and the application sites were located next to each other and within the same “Green Belt” (“GB”) zone.

70. Mr. Kervis W.C. Chan, TP/STN, said that replacement pages 1 and 2 for the Paper had been sent to Members before the meeting. He then presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed 2 houses (New Territories Exempted Houses (NTEHs) – Small Houses) at each of the application site;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment was received during the statutory publication period. The Designing Hong Kong Ltd. objected to the applications on the grounds that the site was zoned “GB” and there was a lack of sustainable village layout plan for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessment made in paragraph 12 of the Paper. The proposed Small House developments met the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (‘Interim Criteria’) in that the footprints of the proposed Small Houses fell entirely within the village ‘environs’ (‘VE’) of Ha Hang Village and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone. Although the proposed Small Houses developments were not in line with the planning intention of the “GB” zoning for the area, the Director of Agriculture, Fisheries and Conservation had no adverse comment on the

applications noting that the proposed Small Houses developments were previously approved by the Board. The Chief Town Planner/Urban Design and Landscape of PlanD had no comment on the applications but advised that an approval condition on submission and implementation of landscape proposals should be imposed. Although the Commissioner for Transport had concern on the potential cumulative traffic impact arising from continual approval of similar Small House developments, he considered that the subject applications involving only four Small Houses could be tolerated. Two previous applications for Small House development (No. A/TP/297 and 298) on the same site had been approved but had lapsed as the land grants for the sites were not yet completed. Similar planning applications No. A/TP/358 and A/TP/403 within the same “GB” zone were approved by the TPB on 9.12.2005 and 23.5.2008 on similar grounds. The proposed Small Houses under the current applications were generally compatible with the surrounding rural environment and were unlikely to have any significant adverse environmental, drainage and traffic impacts. Considering that similar planning applications (No. A/TP/358 and 403) within the same “GB” zone had been approved by the TPB on 9.12.2005 and 23.5.2008, sympathetic consideration could be given to the current applications as they were for the same use at the subject sites and there was no major change in circumstances. Regarding the public comment from the Designing Hong Kong Ltd. against the applications, Government departments consulted generally had no objection to or comment on these two applications.

71. Members had no question on the application.

Deliberation Session

72. Noting that the entire application sites were within “GB” zoning where there was a general presumption against development, a Member asked whether there were special justifications that warranted the approval of these two applications. In response, Mr. W.K. Hui said that sympathetic consideration could be given to these two applications because the sites were the subject of previous applications (No. A/TP/297 and 298) approved by the TPB

in 2002 for the same use and the current applications involved no tree felling despite the fact that the sites were zoned “GB” on the OZP. Mr. Hui added that fresh planning permission was required for the same use at the subject sites because the land grants for the previously approved proposals were still being processed by the District Lands Officer/Tai Po but further extension of the validity of the permissions was outside the scope of Class B amendments.

73. The Chairperson drew Members’ attention that in determining whether the current applications could be approved, Members should make reference to whether the subject applications complied with the ‘Interim Criteria’ for processing Small House application endorsed by the TPB. Under the current applications, sympathetic consideration could be given if not less than 50% of the proposed Small House footprints fell within the ‘VE’ of a recognized village, there was a general shortage of land in meeting the demand for Small House development and no objection from concerned Government departments was received. It was also noted that no tree felling was involved in the proposed developments despite the fact that it was zoned “GB” on the OZP.

74. In response to a Member’s enquiry, the Chairperson explained that while the relevant planning considerations that should be taken into account in assessing Small House application were already set out in the ‘Interim Criteria’, whether an application should be approved would base on the individual merits of each application. The Chairperson added that apart from the factor of tree felling, other factors such as the land status of the application site, i.e. whether there was building entitlement for the subject lot, would also need to be taken in account. Normally, the building entitlement of individual lots would be respected when considering Small House applications in “GB” zone.

75. The Chairperson concluded that while the concern of Members over the general presumption of development within the “GB” zoning of the application sites was valid, the current applications could be taken as a special case given the planning history and that it had complied with the ‘Interim Criteria’ for assessing Small House application as the entire Small Houses footprints were within the ‘VE’ and there was insufficient land to meet the Small House demand in the “V” zone. Given the above, Members agreed that the applications could be approved.

76. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). Each permission should be valid until 15.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. Each permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that connection to the public sewerage system was not available in the vicinity of the site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (b) to note the comments of CE/MN, DSD that connection to the public stormwater drainage system was not available in the vicinity of the subject sites. Surface channel should be provided by the applicant along the perimeter of the lot to collect all the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense. For works to be undertaken outside the site boundary, prior consent from the District Lands Officer/Tai Po and/or relevant private lot owners should be sought;

- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) that for provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of CE/Dev(2), WSD that water mains in the vicinity of the sites could not provide the standard fire fighting flow;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by the Lands Department;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should note that the unnamed access road lying to the north of the site was not maintained by his office; and
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should follow the Buildings Department Practice Note for Authorized Persons and Registered Structural Engineers No. 295 "Protection of natural streams/rivers from adverse impacts arising from construction works", in particular the Appendix B "Guidelines on Developing Precautionary Measures during the Construction Stage" to avoid disturbance to the nearby water course to the east of the site.

[The Chairperson thanked Mr. W.K. Hui, DPO/STN, and Mr. Kervis W.C. Chan, TP/STN, for their attendance to answer Members' enquires. Mr. Hui and Mr. Chan left the meeting at this point. Mr. Timothy K.W. Ma and Dr. James C.W. Lau left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

[Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 22

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Approved Ping Shan Outline Zoning Plan No. S/YL-PS/11

(RNTPC Paper No. 14/10)

78. The Secretary reported that one of the proposed amendment items involved a public housing site of the Hong Kong Housing Authority (HKHA) and the following Members had declared interests in this item:

Miss Ophelia Y.S. Wong as the Acting Director of Planning	]	being a member of the Strategic Planning Committee (SPC) of HKHA
Mr. Andrew Y.T. Tsang as the Assistant Director (2) of Home Affairs Department	]	being an alternate member for the Director of Home Affairs who was a member of the SPC of HKHA
Mr. Simon K.M. Yu as the Assistant Director/New Territories of Lands Department	]	being an alternate member for the Director of Lands who was a member of HKHA
Professor Edwin H.W. Chan	]	being a member of the Building Committee of HKHA
Dr. W.K. Lo	]	being a member of the Building Committee of HKHA
Mr. Y.K. Cheng	]	spouse was the Assistant Director (Development & Procurement) of Housing Department

79. The Committee noted that while Mr. Andrew Y.T. Tsang and Mr. Y.K. Cheng

had tendered apologies for not attending the meeting, Dr. W.K. Lo had left the meeting already. As this item was for the consideration of proposed amendments to an OZP and related to the plan-making process, the Committee agreed that in accordance with the TPB's established practice, the Chairperson and other Members should declare interests and should be allowed to stay at the meeting and participate in the discussion.

Presentation and Question Sessions

80. With the aid of a PowerPoint presentation, Mr. W.M. Lam, STP/TMYL, briefed Members on the proposed amendments to the approved Ping Shan OZP as detailed in the Paper and covered the following main points:

Background

- (a) Rezoning Arising from the Review of "Undetermined" ("U") Zones
 - A land use review had been undertaken for the areas zoned "U" on the Ping Shan OZP covering a total area of about 53.4 ha (Areas A, B, C and D). Whilst zoning proposals were recommended for Areas A and B to reflect existing and planned uses, Areas C and D fell within the possible study area of a further planning and engineering study for the proposed Hung Shui Kiu New Development Area and a review exercise of the adjacent "Industrial" zone of Area C. No proposals were recommended for the two "U" zones in Areas C and D at this stage. The findings and recommendations of the "U" zone review were considered and agreed by the Committee on 10.9.2010;

- (b) Public Housing Development at Hung Shui Kiu Area 13
 - A site of about 6.4 ha zoned "Residential (Group A)3" ("R(A)3") at Hung Shui Kiu Area 13 was planned for public housing development. To meet the territorial flat production target for public housing, amendments to the Notes of the OZP to increase the plot ratio and building height for the public housing development were proposed;

[Dr. James C.W. Lau returned to join the meeting and Mr. Walter K.L. Chan left the meeting

temporarily at this point.]

Proposed Amendments

(c) Proposed Amendments Arising from Review of the “U” Zones

(i) Items A1 to A4

Rezoning the site of Chomolongma Multicultural Community Centre at Yung Yuen Road to “Government, Institution or Community” (“G/IC”) (about 1,561m²), two vegetated knolls near Yung Yuen Road and a strip of land underneath and to the north of the West Rail viaduct to “Green Belt” (“GB”) (about 4.66 ha), showing two West Rail Emergency Access Points near Long Tin Road and Long Ping Road as “Railway” (about 0.95 ha), and rezoning the remaining area bounded by Long Tin Road, Long Ping Road and the West Rail viaduct to “Comprehensive Development Area” (“CDA”) (about 22 ha)

[Mr. Timothy K.W. Ma and Mr. Walter K.L Chan returned to join the meeting at this point.]

(ii) Items B1 & B8

Rezoning the electricity substations, school, public library cum indoor recreation centre along Tsui Sing Road and a strip of land shown as “Road” nearby to “G/IC” (about 2.16 ha);

(iii) Items B2 & B3

Rezoning the sites of Sheung Cheung Wai First and Second Floodwater Pumping Station from “U” and “Village Type Development” (“V”) to “Other Specified Uses” annotated “Pumping Station and Associated Facilities” (about 1 ha);

(iv) Item B4

Rezoning the sites of Tsui Sing Lau Pagoda and Tat Tak Communal Hall to “Other Specified Uses” annotated “Historical Building Preserved for Cultural and Community Uses” (“OU (Historical Building Preserved for

Cultural and Community Uses)”) (about 515m²). The planning intention of the zoning was to facilitate in-situ preservation of the historical buildings and to provide venues for possible cultural and community uses for the enjoyment of the public. Developments within this zone would be subject to a maximum building height of three storeys and one storey for Tsui Sing Lau Pagoda and Tat Tak Communal Hall respectively. Except for restoration works co-ordinated or implemented by Government and those minor alteration and/or modification works which were ancillary and directly related to the always permitted uses or existing buildings, any addition, alteration and/or modification to the existing buildings would require planning permission from the TPB;

(v) Item B5

Rezoning the area around Tsui Sing Lau Pagoda and Tat Tak Communal Hall to “OU” annotated “Heritage and Cultural Tourism Related Uses” (“OU (Heritage and Cultural Tourism Related Uses)”) (about 4,963m²). The first piece of land (about 3,180m²) proposed to be rezoned to “OU (Heritage and Cultural Tourism Related Uses)” was around the pagoda and located at the entrance of the Ping Shan Heritage Trail. The proposed zoning would facilitate provision of heritage and cultural tourism related facilities or uses that were complementary to and visually compatible with the declared monument as an heritage attraction. To complement the Tsui Sing Lau Pagoda which was about 13m (3 storeys) in height, low-rise development with a maximum plot ratio of 0.4 and a maximum building height of 10mPD (about 6m) was proposed within this zone to provide incentive for development and avoid incompatible developments. Any development within this zone would require approval from the TPB. In applying for planning permission, the applicant should submit a layout plan covering the whole zone to demonstrate the compatibility of the development proposal with the historic building;

Similarly, the area in front of the Tat Tak Communal Hall (about 1,783 m²) was proposed to be rezoned to “OU (Heritage and Cultural Tourism Related Uses)” zone to facilitate the provision of facilities that would

enhance the attractions of this graded building. The area was mainly reserved for possible ancillary facilities of the future use of the communal hall. The site was subject to the same plot ratio and building height restrictions as the area around the Tsui Sing Lau Pagoda;

[Mr. Simon K.M. Yu and Dr. C.P. Lau left the meeting temporarily at this point.]

(vi) Item B6

To show a strip of land beneath and near the West Rail Tin Shui Wai Station and viaduct between Long Tin Road and Ping Ha as “Road” (about 2.4 ha); and

(vii) Item B7

Rezoning the remaining land of the “U” zone to “V” (about 1.9 ha) as it was in proximity to the existing village settlements of Sheung Cheung Wai, Hang Tau Tsuen and Hang Mei Tsuen and was considered suitable for further village type development;

(d) Proposed Amendment to facilitate Public Housing Development at Hung Shui Kiu Area 13

The site, with an area of about 6.4 ha at Hung Shui Kiu Area 13, was zoned “R(A)3” with a maximum domestic GFA of 184,000m² and a maximum non-domestic GFA of 1,500m² (a total plot ratio of about 2.90), and a maximum building height of 19 storeys above a 3-storey podium on the approved Ping Shan OZP. It was originally resumed and formed for development by the Hong Kong Housing Society. The scheme was subsequently abandoned and the site was earmarked for public rental housing development in 2004;

The Housing Department proposed to increase the domestic GFA from 184,000m² to 208,600m² to provide about 4,500 flats, as well as non-domestic GFA from 1,500m² to 13,500m². The non-domestic portion comprised a shopping centre, a public transport interchange and other

welfare and education facilities. Amendment to the Notes of the OZP was therefore necessary;

(e) Other Technical Amendments

Other technical amendments to the OZP included the amendments to the Notes for various land use zones to tally with the latest revised Master Schedule of Notes to Statutory Plans endorsed by the TPB;

(f) Revision to the Explanatory Statement (ES) of the OZP

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

Publication Consultation

(g) Relevant Government bureaux/departments had been consulted on the proposed amendments to the OZP and their comments had been incorporated, where appropriate; and

(h) The Ping Shan Rural Committee (PSRC) and the Town Planning & Development Committee (TP&DC) of the Yuen Long District Council (YLDC) had been consulted on the recommendations of the land use review of the “U” zones and the proposed public housing development at Hung Shui Kiu Area 13 on 29.4.2010 and 19.5.2010 respectively. Both the PSRC and the TP&DC of YLDC had no adverse comments on the proposed amendments in general. The PSRC and YLDC would be further consulted during the gazette of the OZP for the proposed amendments.

[Mr. Simon K.M. Yu returned to join the meeting at this point.]

81. The Chairperson remarked that the proposed amendments to the Ping Shan OZP

mainly involved three parts, namely: amendments to reflect the results of the review of the “U” zones, the findings and recommendations of which had been considered by the Committee on 10.9.2010; rezoning of the land associated with Tsui Sing Lau Pagoda and Tat Tak Communal Hall for conservation and related tourism uses; and amendments to the Notes of OZP to facilitate the proposed public housing development at Hung Shui Kiu Area 13. She then asked Members to consider the proposed amendments one by one.

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

82. A Member noted that a strip of land at the northeastern corner of the proposed public housing site at Hung Shui Kiu Area 13, at the junction of Hung Chi Road and Hung Tin Road, was not included in the “R(A)3” zone for public housing development and enquired about the planned use of that strip of land. In response, Mr. W.M. Lam said that there was a road widening and improvement project at this section of Hung Chi Road and that strip of land at the road junction with Hung Tin Road was reserved for junction improvements. Besides, a setback of about 20m from the public housing site to Hung Chi Road had also been reserved.

83. Noting that there were a number of sites planned for residential uses to the south and west of the Hung Shui Kiu Area 13 site, another Member enquired about the building height restrictions for these sites. In reply, Mr. W.M. Lam stated that according to the Notes of the OZP, the “R(B)1” and “R(B)2” sites would be subject to a maximum building height of 15m and 21m as well as a maximum of 5 storeys including car park and 6 storeys over single-storey car park respectively. The “CDA” site to the immediate south of the public housing site at Hung Shui Kiu Area 13 would be subject to a total GFA of 113,260m² and a maximum building height of 20 storeys above a 3-storey podium. The Chairperson supplemented that building height restrictions would be imposed, where appropriate, to those sites on this OZP under the forthcoming round of OZP review exercise and a planning brief would be prepared, where appropriate, for this “CDA” site.

84. As Members had no more questions on the proposed amendment items, the Chairperson concluded that Members generally agreed to the proposed amendments to the approved Ping Shan OZP. Nevertheless, the Chairperson added that the OZP together with the Notes and revised ES would be further scrutinized in detail by the TPB Secretariat.

Members would be notified of those minor changes, if any, before exhibition of the OZP for public inspection under section 5 of the Town Planning Ordinance.

Deliberation Session

85. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Ping Shan Outline Zoning Plan (OZP) No. S/YL-PS/11 and that the draft Ping Shan OZP No. S/YL-PS/11A at Appendix II (to be renumbered to S/YL-PS/12 upon exhibition) and its Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper as an expression of the planning intentions and objectives of the Board for various land use zones on the Ping Shan OZP and to be issued under the name of the Town Planning Board; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Ping Shan OZP No. S/YL-PS/11A (to be renumbered to S/YL-PS/12 upon exhibition).

[Dr. James C.W. Lau left the meeting at this point.]

[A short break of 5 minutes was taken.]

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/324 Proposed Open Parking of Vehicles for Category 5 Dangerous Goods
in “Industrial (Group D)” zone,
Lots 856RP and 857RP in D.D. 124, Yuen Long
(RNTPC Paper No. A/YL-PS/324)

Presentation and Question Sessions

86. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed open parking of vehicles for Category 5 Dangerous Goods;

[Mr. Timothy K.W. Ma and Mr. H.M. Wong returned to join the meeting at this point.]

- (c) departmental comments – the Director of Fire Services (D of FS) objected to the application as the applicant intended to park Dangerous Goods Vehicles loaded with dangerous goods on board overnight in case the driver could not deliver the whole tank of dangerous goods after business hours. However, any undelivered quantity of dangerous goods should be returned and stored in licensed Dangerous Goods Stores. No storage of dangerous goods would be allowed in the Dangerous Goods Vehicles even on a temporary basis;
- (d) two public comments were received during the statutory publication period. One of the comments, from the Village Representative (VR) of Hung Uk Tsuen, objected to the application on the grounds that there were already developments of dangerous nature near the application site and it would be disastrous in case of explosion, and the proposed development would affect ‘fung shui’ of their ancestral graves nearby. The other commenter, the

Designing Hong Kong Ltd., objected to the application for reasons that open storage was a blight on the environment and the proposed development was not in line with the planning intention for the area. The commenter suggested that, if the application was approved, conditions on the provision of landscaping and peripheral fencing should be imposed; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The application was for open parking of dangerous goods vehicles. The applicant indicated that there would be occasions that dangerous goods vehicles loaded with dangerous goods, i.e. lubricating oil, would be parked overnight at the site. Under the circumstances, D of FS considered that the dangerous goods vehicles should be considered as a dangerous goods storage facility. Although the proposed open parking for goods vehicles was not incompatible with the surroundings and not in conflict with the planning intention of “Industrial (Group D)” zone, D of FS objected to the application as the licence to a dangerous goods vehicle conferred the right to convey dangerous goods on land only, but not for storage of dangerous goods which should be in a fixed storage facility. D of FS further commented that a formal application for a licensed dangerous goods store to his department would be required under the Dangerous Goods (General) Regulations. In view of the objection from D of FS and the public objections received from the VR of Hung Uk Tsuen and the Designing Hong Kong Ltd. objecting mainly on fire safety, fung shui and environmental grounds, the proposed development, though falling within Category 1 area, was not in line with the TPB Guidelines No.13E.

87. Members had no question on the application.

Deliberation Session

88. In view of the concern of D of FS on the risk and fire safety aspects of the application, the Chairperson concluded that the application could not be supported.

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

- the application was not in line with the Town Planning Board Guidelines No. 13E in that the Director of Fire Services objected to the application because the proposed vehicle park could not be used for overnight parking of dangerous goods vehicles while loaded with lubricating oil (Category 5 Dangerous Goods) which should only be stored in a fixed storage facility.

[Mr. Simon K.M. Yu left the meeting and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/329 Proposed Excavation of Land for Development of
New Territories Exempted Houses
in “Village Type Development” zone,
Lots 148S.B and 148RP in D.D. 123, Ng Uk Tsuen,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/329)

Presentation and Question Sessions

90. Mr. W.M. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed excavation of land for development of New Territories Exempted Houses;

- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during 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 assessment made in paragraph 11 of the Paper. The proposed excavation of land was for establishing the foundation of two approved Small Houses within the “Village Type Development” (“V”) zone and conformed to the planning intention of the “V” zone. The site was currently vacant and covered by grass and weeds. Although the site fell within the Wetland Buffer Zone, there were no ponds at or adjacent to the site and village houses were found to the immediate southwest. Besides, the site formation works involved no bulk excavation and its site formation plans had already been approved by the Building Authority. In view of the nature and scale of the excavation, no adverse impact to the terrain of the surrounding area was anticipated. Relevant Government departments consulted had no adverse comment on or objection to the application. Technical concerns on potential drainage problem and landscaping could be addressed by imposition of approval conditions. There was no local objection against the application.

91. In response to a Member's enquiry regarding approval condition (a) in paragraph 12.2 of the Paper, Mr. W.M. Lam explained that the condition was imposed at the request of the Drainage Services Department (DSD) mainly to ensure that the applicant would backfill the excavation after the completion of the foundation works. The Chairperson supplemented that the intention of DSD was to minimize the drainage impact of the proposed development. In this respect, any soil that was excavated from the subject site should be backfilled to the subject site or its vicinity after the foundation work was completed.

92. Another Member asked why planning permission from the TPB was required for the subject site formation works. The Chairperson explained that the application site was

situated in close proximity to the Mai Po Wetland and within the Wetland Buffer Area. To ensure that the ecological value of the wetland would not be affected by developments, planning approval of the TPB for excavation of land was required even for a use that was always permitted on the OZP. Noting that the application site was located on a degraded area and the development did not involve filling or excavation of ponds, the Director of Agriculture, Fisheries and Conservation raised no objection to the application from the wetland conservation point of view. Nonetheless, the Director of Drainage Services considered that the backfilling of the excavation after the completion of the foundation works should be stipulated as an approval condition.

93. In response to the same Members' enquiry, Mr. W.M. Lam confirmed that the site formation plan had already been approved by the Building Authority in 2009 and the Director of Buildings commented that the proposed excavation works should be carried out in accordance with the approved site formation plans.

Deliberation Session

94. In conclusion, the Chairperson said that the application could be supported as no objection from concerned Government departments had been received and the technical concerns of relevant Government departments could be addressed by imposition of approval conditions.

95. 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 15.10.2014, 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) backfilling of the excavation after completion of the foundation works or the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscaping proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that if any proposed works to be implemented on Government land were imposed as approval conditions, the applicant was required to obtain his permission prior to the commencement of any works;
- (b) to note the comments of the Director of Environmental Protection that the applicant should follow the guideline “Recommended Pollution Control Clauses for Construction Waste” (http://www.epd.gov.hk/epd/English/environmentinhk/eia_planning/guide_ref/rpc.html) to minimise the environmental impact during construction stage (in particular Chapter 5 “Waste Management”);
- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should take appropriate measures to prevent any potential negative off-site disturbance impact arising from the proposed development on the ecological values of the surrounding habitats in the area;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that more trees at 3m-5m spacing should be proposed along the perimeter of the site for enhancing the greening and screening effect;
- (f) to note the comments of the Director of Fire Services that emergency vehicular access, fire hydrant and fire service installations would be

required for construction of the New Territories Exempted Houses (NTEH) in accordance with the 'NTEH – A Guide to Fire Safety Requirements' issued by the Lands Department; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the proposed excavation works should be carried out in accordance with the site formation plans approved by the Building Authority on 8.10.2009.

Agenda Item 25

Section 16 Application

[Open Meeting]

A/TSW/49 Proposed Comprehensive Residential and Commercial Development (Known as “Integrated Elderly Community Project”) with Flat (Elderly Accommodation), Hotel, Shop and Services, Eating Place, Residential Institution, Public Clinic, Training Centre, Educational Institution, School, Private Club and Place of Recreation, Sports or Culture in “Comprehensive Development Area” zone and an area shown as ‘Road’, Government Land in Tin Shui Wai Area 115
(RNTPC Paper No. A/TSW/49A)

97. The Secretary reported that the application was submitted by Hong Kong Housing Society (HKHS). The following Members had declared interests on this item:

Miss Ophelia Y.S. Wong as the Acting Director of Planning	]	being a member of the Supervisory Board of HKHS
Mr. Simon K.M. Yu as the Assistant Director/New Territories of Lands Department	]	being an alternate member for the Director of Lands who was a member of the Supervisory Board of HKHS
Mr. Walter K.L. Chan	]	being a member of the Executive Committee of HKHS
Mr. B.W. Chan	]	being a member of the Supervisory

Board of HKHS

Mr. Y.K. Cheng	]	being a member of HKHS
Mr. Timothy K.W. Ma	]	being a member of HKHS

98. The Committee noted that while Mr. Y.K. Cheng had tendered an apology for being unable to attend the meeting, Mr. B.W. Chan and Mr. Simon K.M. Yu had left the meeting already. The Secretary said that as both the Chairperson and the Vice-chairman had declared interests on the item, the Chairperson could continue to chair the meeting out of necessity. Members agreed. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that Mr. Walter K.L. Chan and Mr. Timothy K.W. Ma could be allowed to stay at the meeting.

99. The Committee noted that the applicant's representative requested on 29.9.2010 for a deferment of the consideration of the application for a further period of two weeks so as to allow additional time to address additional comments from the Director of Agriculture, Fisheries and Conservation.

100. 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 to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two weeks 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 (Presentation and Question Sessions Only)]

A/YL-HT/697 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars, Light and Heavy Goods Vehicles and Container Tractors/Trailers with Ancillary Freight Forwarding Facility and Vehicle Repair Workshop under Application No. A/YL-HT/650 for a Period of 1 Year in “Comprehensive Development Area” zone, Lots No. 805 S.B RP, 807 RP, 808 RP, 809 RP (Part), 813 RP (Part), 814 RP (Part), 815 (Part) and 816 S.B RP (Part) and Adjoining Government Land in D.D. 125, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/697)

Presentation and Question Sessions

101. Mr. Anthony C.Y. Lee, STP/TMYL, said that replacement page 12 for the Paper had been sent to Members before the meeting. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park for private cars, light and heavy goods vehicles and container tractors/trailers with ancillary freight forwarding facility and vehicle repair workshop under Application No. A/YL-HT/650 for a period of 1 year;
- (c) departmental comments – the Director of Environmental Protection did not support the application as there were sensitive uses, i.e. isolated residential dwellings, in the vicinity and along Ping Ha Road and environmental nuisance was expected. He advised that one environmental complaint was received in 2009;
- (d) no public comment was received during 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 uses under application could be tolerated for a period of 1 year based on the assessment made in paragraph 12 of the Paper. The site fell within Category 1 areas under the TPB Guidelines No. 13E where favourable consideration would be given to applications within these areas, subject to no major adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions. The application was for the renewal of the permission under Application No. A/YL-HT/650. It was in line with the TPB Guidelines No. 34B as there had been no material change in planning circumstances since the previous approval was granted; the one-year approval period sought was reasonable; there was no adverse planning implication arising from the renewal of the planning approval; and the applicant had satisfactorily complied with most approval conditions. The applied use was not incompatible with the surrounding uses within the subject “Comprehensive Development Area” (“CDA”) zone which was predominantly occupied by open storage yards, vehicle parks and workshops. Besides, approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone since there was not yet known implementation programme. Relevant Government departments consulted generally had no adverse comment on or objection to the application. The technical concerns of relevant Government departments could be addressed by way of approval conditions. Besides, the Committee had approved the previous applications No. A/YL-HT/38, 73, 155, 231, 270, 422, 587 and 650 at the site since 1998. Due to the demand for open storage and port back-up uses in the area, the Committee/the TPB had recently approved a number of similar applications No. A/YL-HT/541, 563, 564, 571, 573, 584, 591, 594, 607, 663 and 685 within the same “CDA” zone for various temporary open storage/port back-up uses. Approval of the subject application was therefore in line with the Committee's previous decisions.

102. Members had no question on the application.

Deliberation Session

103. The Chairperson concluded that the application could be supported as it fell within Category 1 areas under TPB Guidelines 13E and the application was a renewal application, where the applicant had complied with most of the approval conditions. The technical concerns of relevant Government departments could be addressed by imposition of approval conditions.

104. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, from 7.11.2010 to 6.11.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle without valid licence/registration, as proposed by the applicant, was allowed to be parked on the site during the planning approval period;
- (d) the existing drainage facilities implemented under the previously approved Application No. A/YL-HT/650 should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.2.2011;
- (f) the submission of a tree preservation and landscape proposal within

3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 7.2.2011;

- (g) in relation to (f) above, the implementation of tree preservation and landscape proposal 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 7.5.2011;
- (h) the submission of fire service installations proposals within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.2.2011;
- (i) in relation to (h), the implementation of the fire service installations proposals 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 7.5.2011;
- (j) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (k) if any of the above planning conditions (e), (f), (g), (h) or (i) was 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; and
- (l) upon 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.

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

- (a) to resolve any land issues relating to the development with the concerned

owner(s) of the application site;

- (b) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure was allowed to be erected without his prior approval; and the applicant should apply to his office for Short Term Waiver (STW) to regularize the unauthorized structures on-site, particularly the ancillary vehicle repair workshop situated on Lot No. 808 RP in D.D. 125. Should no STW application be received/approved and the irregularities persist on-site, he would consider taking lease enforcement action against the registered owner. He also reserved the right to take enforcement action should any breach of conditions of the STWs No. 2202, 3126 and 3127 was found. The Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) should also be consulted on the access arrangement through an unnamed track on Government land (GL) or boundary of the Ping Ha Road improvement project during and after implementation of the works. He did not guarantee right-of-way or provide maintenance works to the affected GL;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of CE/LW, CEDD that the access road to the site was located near Ping Ha Road which was within the works limit of Contract No. CV/2006/01 "Ping Ha Road Improvement Works (Ha Tsuen Section)",

the construction works for which had already commenced in December 2007 for completion in early 2011. The ingress/egress route to/from the site might be affected during the construction period for the widening of Ping Ha Road and the applicant should not be entitled for any compensation thereof;

- (f) to note the comments of the Director of Fire Services on the requirements of formulating fire service installations (FSIs) proposals as stated in Appendix VI of the Paper. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to him for consideration; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures that apparently had not obtained approval under the Buildings Ordinance (BO) should be removed. The site office, guardroom, loading/unloading bays, and vehicle repair workshop shown on the site layout were considered as temporary buildings which were subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access under B(P)R 41D. If the site was not abutting a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage.

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-NTM/235 Proposed Comprehensive Low-density Residential Development in “Comprehensive Development Area” zone, Various Lots in D.D.104, and Adjoining Government Land, East of Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/235E)

106. The Committee noted that the applicant’s representative requested on 8.10.2010 for a further deferment of the consideration of the application for two months as additional time was required for preparation of supplementary information to address the issues related to the Environmental Assessment, land administration as well as public comments received on the application.

107. Noting that the justifications put forward by the applicant met the criteria for deferment as set out in the TPB Guidelines No. 33 on ‘Deferment of Decision on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance’, Members expressed no objection to the request for deferment. Members, however, noted that the application had been deferred for more than one year and considered that this should be the last chance for the applicant to apply for deferment of the consideration of the application by the Committee. No further deferment should be granted for the application.

108. 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 to the Committee for consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months was allowed for preparation of the submission of further information, and as a total period of 14 months had been allowed, no further deferment would be granted.

Agenda Item 28

Section 16 Application

[Open Meeting]

A/YL-NTM/254 Temporary Container Tractor and Trailer Park
(with Ancillary Repair Activities) for a Period of 3 Years
in “Open Storage” zone,
Lots 2521 (Part), 2525 (Part), 2535 (Part), 2536 (Part), 2537, 2538,
2539, 2540 (Part), 2541 (Part), 2542 (Part), 2545 (Part), 2546 (Part),
2548 (Part) and 2549 in D.D. 102 and Adjoining Government Land,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/254)

109. The Committee noted that the applicant’s representative requested on 20.9.2010 for a deferment of the consideration of the application for two months in order to allow time to address departmental and public comments and submit further information to substantiate the application.

110. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of additional information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. 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 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/345 Temporary Open Storage of Private Vehicles for Sale
for a Period of 3 Years in “Residential (Group D)” zone,
Lot 636 S.B ss.1 RP (Part) in D.D. 110 and
Adjoining Government Land, Kam Tin Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/345)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of private vehicles for sale for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) no public comment was received during the statutory publication period. The District Officer (Yuen Long) advised that his office received a local objection submitted by the Village Representative (VR) of Pang Ka Tsuen. The VR objected to the application on the grounds of adverse drainage impacts, road safety to the villagers, and impacts on the electricity supply of the village. The comment was however subsequently withdrawn by the VR of Pang Ka Tsuen on 14.10.2010; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 12 of the Paper. The development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone and there was no strong planning

justification for a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines No. 13E in that there was no previous approval for open storage use granted at the site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Although the site was the subject of a previous application (No. A/YL-KTN/290) approved with conditions by the Committee on 7.3.2008, the previous application for temporary public vehicle park for private cars with ancillary office was of a different nature as compared with the current application for temporary open storage use. Besides, no relevant technical assessments had been included in the current application to demonstrate that the proposed use would not result in adverse impacts on the surrounding areas. The landscape and drainage proposals were considered inadequate by concerned Government departments. The proposed development was considered not compatible with the surrounding rural residential environment. It was also noted that the open storage yards and a parking lot in the vicinity of the site were suspected unauthorized developments. Further away from the site within the same “R(D)” zone were some open storage uses with approval from the Committee or the TPB on review. However, all of these similar applications were subject to previous planning approvals for similar open storage uses since 2003 or before. The approval of the application with no previous approval for similar open storage use, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

112. Members had no question on the application.

Deliberation Session

113. In conclusion, the Chairperson said that the application could not be supported as it fell within Category 3 areas under the TPB Guidelines 13E, no previous approval for open storage use had been granted before at the site and no relevant technical assessments had

been submitted to support the application.

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Town Planning Board. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board PG-No. 13E in that there was no previous approval for open storage use granted at the site, and that the applicant had not included in the submission technical assessments to demonstrate that the development would not generate adverse drainage, traffic and landscaping impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “R(D)” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-PH/608 Proposed Temporary Open Storage of Second-Hand Vehicles
for Display and Export for a Period of 2 Years
in “Agriculture” and “Open Storage” zones,
Lot 1845 (Part) in D.D. 111 and Lots 9 (Part), 10 RP (Part), 12 (Part),
13 RP (Part), 14, 32 (Part), 33 (Part), 35 s.A and 35 s.B in D.D. 114
and Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/608)

115. The Committee noted that the applicant requested on 12.10.2010 for a further deferment of the consideration of the application for two months in order to allow more time for him to discuss with the Transport and Housing Bureau, Highways Department and Lands Department in relation to the application.

116. 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 to the Committee for consideration within two months from the date of receipt of further information from the applicant. 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 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/609 Temporary Horse Riding School for a Period of 3 Years
in “Residential (Group D)” zone,
Lots 64 RP, 72 S.B ss.2 and 73 S.B RP in D.D. 108,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/609)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary horse riding school for a period of 3 years;
- (c) departmental comments – no objection from concerned Government departments was received;
- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the statutory publication period. The commenter objected to the application on the grounds that planning permission for the use on-site had been revoked several times indicating that the applicant was not sincere in complying with the relevant planning conditions; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary horse riding school could be tolerated for a period of 3 years based on the assessment made in paragraph 11 of the Paper. The site was the subject of six previous approvals (No. DPA/YL-PH/11, A/YL-PH/141, 337, 414, 519 and 577) for the same use since 1992. There was no major change in the planning circumstances since the approval of the latest application (No. A/YL-PH/577). Although the horse riding school was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone, given no known development programme on the site and the temporary nature of the proposal, approval of the application on a temporary basis would not frustrate the long-term planning intention of the site. The development was considered not incompatible with the surrounding area which was predominantly rural in character intermixed with fallow/cultivated agricultural land, vacant land, sand grounds, open storage yards, warehouses, workshops and some scattered village houses.

Although the latest planning permission No. A/YL-PH/577 for temporary horse riding school was revoked on 8.11.2009 due to non-compliance with approval conditions in relation to fire safety, the applicant explained that the installations were already in place but he had forgotten to submit the documents in relation to the provision of emergency vehicular access (EVA), water supply for fire fighting and fire service installations proposal. Besides, a layout plan showing the existing EVA and fire hydrant on the site had been submitted by the applicant and the Director of Fire Services raised no objection to the application. Relevant Government departments consulted had either no objection to or no adverse comment on the application. The technical concerns on drainage, landscaping and fire safety aspects could be addressed by stipulation of relevant approval conditions. With respect to the objection from the YLDC member, it should be noted that the earlier applications No. A/YL-PH/337 and 414 were submitted by a different applicant and that the current applicant had subsequently complied with the planning conditions associated with the later planning approval No. A/YL-PH/519. He had also provided information on the existing FSIs on-site to demonstrate his sincerity. Nevertheless, since the previous three planning approvals (No. A/YL-PH/337, 414 and 577) were revoked due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor the progress of compliance.

118. A Member noted that the application site was zoned “R(D)” but had been used for temporary horse riding school for about 18 years since 1992. The Member enquired whether the land use zoning for the site should be reviewed to reflect the existing use. In response, Mr. Kepler S.Y. Yuen explained that the application site formed part of an elongated “R(D)” zone along Fan Kam Road, which was intended for low-rise, low density residential developments through redevelopment of existing temporary structures into permanent buildings subject to planning permission from the TPB. Over the years, the application site was mainly used for horse riding school by different applicants on a temporary basis. As there were applications for residential developments within the same “R(D)” zone which had been approved by the TPB, there was at present no plan to review the land use zoning of the area.

119. The Chairperson drew Members' attention to paragraph 5.2 of the Paper regarding an application for private residential development (No. DPA/YL-PH/9) which had been submitted by a different applicant but was rejected by the Committee on 14.8.1992. This indicated that there was private initiative to develop the application site for residential purpose and the current land use zoning of the site was justified.

Deliberation Session

120. In conclusion, the Chairperson said that the application site had been used for temporary horse riding school for about 18 years but the latest planning permission was revoked for non-compliance with the approval conditions in relation to the fire safety aspect. The applicant clarified that the fire service installations were already in place though no submission had been made to notify relevant Government departments. In the current application, a layout plan had been submitted showing the existing EVA and fire hydrant on site. She said that the application could be supported on a temporary basis for three years but shorter compliance periods should be granted in order monitor the progress of compliance.

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the drainage facilities implemented on the site under Application No. A/YL-PH/519 should be maintained at all times during the planning approval period;
- (c) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (d) the submission of water supplies for fire fighting and fire service

installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2011;

- (e) in relation to (d) above, the provision of water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2011;
- (f) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (d) or (e) was 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; and
- (h) upon 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.

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

- (a) planning permission should have been renewed before continuing the applied use at the site;
- (b) shorter compliance periods for the approval conditions were given in order to closely monitor the compliance of approval conditions;
- (c) should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Town Planning Board to any further application;

- (d) to note the comments of the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from his office. Short Term Waiver (STW) No. 3343 was approved to Lots 64 RP and 73 S.B RP in D.D. 108 permitting structures for horse riding school and ancillary use with Built-over Area not exceeding 790m² on Lot 64 RP and 380m² on Lot 73 S.B RP and all height not exceeding 5.2m. His office reserved the right to take enforcement action under the STW if any breach of the pertaining conditions was found;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department regarding the adoption of environmental mitigation measures to minimize any possible environmental nuisances. In particular, on the issue of the effluent discharge, the applicant was advised to observe the requirements under the Water Pollution Control Ordinance;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. In addition, the applicant should be advised that the provision of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administrated by the Buildings Department (BD); and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance.

Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on-site under the Buildings Ordinance. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

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

Agenda Item 32

Section 16 Application

[Open Meeting]

A/YL-SK/160 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lot 225 S.D (Part) in D.D. 112, Lai Uk Tsuen, Kam Sheung Road,
Yuen Long
(RNTPC Paper No. A/YL-SK/160)

123. The Committee noted that the applicant’s representative requested on 20.9.2010 for a deferment of the consideration of the application for two months so as to allow time for him to submit further information to substantiate the application and address departmental and public comments.

124. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted to the Committee for consideration within two months from the date of receipt of further information from the applicant. 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 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/270 Proposed Public Utility Installation
 (Electricity Package Substation) and Excavation of Land
 in “Village Type Development” zone,
 Government Land in D.D. 118, Nam Hang Tsuen Road,
 Nam Hang Tsuen, Tai Tong, Yuen Long
 (RNTPC Paper No. A/YL-TT/270)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed public utility installation (electricity package substation) and excavation of land;

- (c) departmental comments – no objection from concerned Government departments was received;

- (d) no public comment was received during 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 assessment made in paragraph 11 of the Paper. The proposed development, which was to replace an approved electricity package substation (Application No. A/YL-TT/164) to the northeast of the site, was considered as an essential facility to provide and maintain electricity supply to the existing and future village type developments within the “Village Type Development” zone. In this regard, the Director

of Electrical and Mechanical Services had no comment on the application. The proposed electricity package substation, given its relatively small scale and required infrequent maintenance, was not expected to cause significant adverse environmental, traffic and drainage impacts on the surrounding areas. In this connection, other concerned Government departments also had no objection to or no comment on the application. Besides, there was no local objection received.

126. Members had no question on the application.

Deliberation Session

127. The Chairperson concluded that the proposed development could be supported as it was an essential facility to provide electricity to the area, no objection from concerned Government departments had been received and no public comment was received during the public inspection period.

128. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.10.2014, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

129. 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 proposed installation of less than built-over area of 12m² could be deemed to be accommodated into the Block Licence issued to CLP Power Hong

Kong Ltd if and when relevant excavation permit had been submitted and approved by his office. The site was accessible through an informal road on Government Land. His office did not provide maintenance works to the road nor guarantee right-of-way;

- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department did not maintain the existing Nam Hang Tsuen Road between the site and Tai Shu Ha Road West;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that landscape planting should be proposed around the substation to enhance the screening and greening effect;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the proposed electricity package substation and excavation of land works were subject to control under the Buildings Ordinance (BO). The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. The provisions of fire resisting construction for the electricity package substation should in compliance with Building (Construction) Regulation 90 and Code of Practice for Fire Resisting Construction 1996. Formal submission under the BO was required for any proposed new works, including any temporary structures and excavation works.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/493 Temporary Open Storage of Construction Equipment and Materials (Metal Scaffolding) and Container Site Office Units with Ancillary Maintenance Workshop for a Period of 3 Years in “Undetermined” zone,
Lots 333 (Part), 342 RP (Part), 343, 344, 345, 346 S.A, 346 S.B, 347 RP, 348 RP (Part), 350 RP (Part), 351 (Part), 352 (Part), 354 RP (Part), 355 (Part) and 357 (Part) in D.D. 119,
Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/493)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction equipment and materials (metal scaffolding) and container site office units with ancillary maintenance workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the application site and environmental nuisance was expected. He, however, advised that no environmental complaint concerning the site had been received in the past three years;
- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the statutory publication period. The commenter objected to the application on the grounds that the site was close to residential dwellings and the noise from the workshop activities might

affect the nearby residents; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of 3 years based on the assessment made in paragraph 12 of the Paper. According to the TPB Guidelines No. 13E, the application site fell within Category 1 areas where favourable consideration would normally be given to applications within these areas. The application was generally in line with the TPB Guidelines No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the stipulation of approval conditions. There were also similar applications in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas under TPB Guidelines No. 13E, that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns on the capacity of Kung Um Road. In this regard, the site was connected to Shan Ha Road instead of Kung Um Road and the Commissioner for Transport had no adverse comment on the application. Approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. The development was not incompatible with the surrounding areas which were mainly mixed with open storage yards, workshops and warehouses. Although DEP did not support the application, there had not been any environmental complaint in the past 3 years. To address DEP's concern, approval conditions restricting the operation hours and prohibiting operation on Sundays and public holidays were recommended. Besides, previous planning approvals had been granted for similar temporary uses under Applications No. A/YL-TYST/67, 109, 152, 259 and 368 submitted by the same applicant. The approval conditions in relation to the submission and implementation of FSIs proposal under the last application (No. A/YL-TYST/368) had been compiled with. Other Government departments consulted generally had no adverse comment on the current application. Regarding the public comment from the YLDC member, as the surrounding areas were predominantly mixed with open storage,

workshops and warehouse uses and the site was primarily for open storage use, significant environmental impact from the site was not anticipated. Relevant approval conditions restricting the operation hours were also recommended to address the environmental concerns.

131. Members had no question on the application.

Deliberation Session

132. The Chairperson concluded that the application could be supported as the application site fell within Category 1 areas and the application was in line with the TPB Guidelines 13E, the approval conditions under the last application had been complied with, and there was no environmental complaint against the application site.

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.10.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) the existing trees on the application site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (e) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2011;

- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2011;
- (g) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (h) if any of the above planning conditions (e) or (f) was 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; and
- (i) 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.

134. 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 that the registered lot owners concerned, except those who have already submitted applications for Short Term Waiver (STW) at Lots 342 RP, 345, 346 S.A and 348 RP in D.D. 119, should apply to his office for STW to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate enforcement action against the registered owners. It should also be noted that the site was accessible through a long stretch of informal village track on Government land or other private land extended from Shan Ha Road. His office did not provide maintenance works for this track nor guarantee right-of-way. An active project,

namely “Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction” on portion of this track was being undertaken by Water Supplies Department (WSD);

- (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a large broken branch was still attached to a tree near the south-western corner of the site, which should be removed. Photos of the tree after the removal works for the broken branch should be submitted for his record;
- (g) to note the comments of the Chief Engineer/Development (2), WSD that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard fire-fighting flow;

- (h) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site which were liable to action under section 24 of the Buildings Ordinance (BO) should be removed. Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for approval under the BO was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The applicant should also note the requirements on provision of emergency vehicular access under B(P)R 41D.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/494 Proposed Temporary Storage of Plastic and Metal Ware
for a Period of 1 Year in “Undetermined” zone,
Lots 2813 (Part), 2814 (Part), 2815 RP (Part) and
2816 RP (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/494)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary storage of plastic and metal ware for a period of 1 year;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site and environmental nuisance was expected. He, however, advised that no environmental complaint concerning the site had been received in the past three years;
- (d) two public comments were received during the statutory publication period. One public comment from a Yuen Long District Council member objected to the application in view of the repeated revocation of the previous planning approvals. The other commenter, the Designing Hong Kong Ltd., objected to the application on the grounds that the use of the site for open storage was a blight on the environment, and the applied use was not in line with the planning intention for the area. The commenter requested that, should the application be approved, a condition on landscaping and peripheral fencing should be imposed; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of one year based on the assessment made in paragraph 11 of the Paper. The proposed storage use was not in conflict with the planning intention of the “Undetermined” zone which was intended to cater for the continuing demand for open storage which could not be accommodated in conventional godown premises. Besides, the development was not incompatible with the surrounding areas which already comprised a

number of open storage yards, warehouses, workshops and vehicle parks. Given that there was no known programme for permanent development, the applied use on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application in view of the sensitive receivers in the vicinity, the proposed development was only for storage purpose within container structures. Other relevant Government departments consulted generally had no comment on or objection to the application. To address the possible environmental and technical concerns of other Government departments, the stipulation of relevant approval conditions was recommended. The previous planning approvals under Applications No. A/YL-TYST/360 and 452 were submitted by a different applicant and were revoked due to non-compliance with the approval conditions which prohibited open storage and workshop activities on the site. It should, however, be noted that the site was now vacated and the previous unauthorized open storage use and workshop activities had ceased. Moreover, the current application was submitted by a different applicant. In this regard, the application might be tolerated one more time. Regarding the two public objections against the application, their main concern was on the previous applicant's insincerity to comply with the approval conditions and the land use compatibility, landscaping and visual issues. As the current application was submitted by a different applicant, and considering that the previous unauthorized use and workshop activities had ceased, the relevant departments consulted generally had no adverse comment on the application and the environmental concerns of DEP and technical concerns of other Government departments could be addressed by imposing relevant approval conditions, the current application could be tolerated on a temporary basis one more time.

136. Noting that the last two planning approvals under Applications No. A/YL-TYST/360 and 452 revoked by the TPB were submitted by a different applicant, a Member asked whether it would be unfair to the current applicant by warning him that sympathetic consideration would not be given in future if the planning permission was revoked again. In response, Mr. Kepler S.Y. Yuen said that although the current application was submitted by a different applicant and the previous unauthorized use and workshop

activities had ceased, it was the established practice of the TPB to add an advisory clause to the planning permission to caution the applicant that sympathetic consideration would not be given if the planning permission was revoked in future again taking into account that the applied use was the same as the previously revoked permissions.

Deliberation Session

137. The Chairperson said that according to the established practice of the TPB in considering planning applications for the same use at the same site, planning permission would not be given if previous planning permissions had been revoked twice. Under the current application, it was noted that the application was made by a different applicant and the site had been vacated before the application was submitted. Moreover, given that a shorter approval period of one year was sought in the current application and the applicant undertook to comply with the approval conditions to be imposed by the TPB, it was considered that the application could be tolerated one more time but there was still a need to caution the applicant that no sympathetic consideration would be given if the planning permission was revoked again. This was in line with the current practice of the TPB in considering this type of applications.

138. A Member opined that as the revoked applications were submitted by different applicants, it seemed unfair to the current applicant, since the Committee had accepted that the previous and current applicants had no relationship, though the applied uses were the same.

139. A Member shared the view and considered that instead of imposing a shorter approval period, it might be more appropriate for the TPB to impose shorter compliance periods for compliance with the approval conditions to the planning permission so as to allow close monitoring of the use of the site and the progress of compliance.

140. In response, the Chairperson clarified that the application for a period of one year was proposed by the applicant himself. Besides, the note of caution was to be included as an advisory clause only to remind the applicant that no sympathetic consideration would be given should the planning permission be revoked again. This was in line with the current practice of the TPB and no penalty was intended. As the cautionary note was only advisory

in nature, Members agreed that the same advisory clause should continue to be adopted by the TPB.

141. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 15.10.2011, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open area of the application site, as proposed by the applicant, was allowed during the planning approval period;
- (d) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles over 5.5 tonnes as defined in the Road Traffic Ordinance and container tractors/trailers, as proposed by the applicant, were allowed to enter/exit the application site at any time during the planning approval period;
- (f) the existing drainage facilities on the application site should be maintained at all times during the planning approval period;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2011;
- (h) in relation to (g) above, the implementation of tree preservation and

landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.4.2011;

- (i) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2011;
- (j) in relation to (i) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.4.2011;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was 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; and
- (m) 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.

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

- (a) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that his

office reserved the right to take enforcement action against the unauthorized structures, including converted containers, on the lots within the site if indeed found in due course. The registered lot owners concerned, except those of Lot 2816 RP in D.D. 120, should apply to his office for Short Term Waiver (STW) to regularize the irregularities on the site. Should no STW application be received/approved and the irregularities persist on-site, his office would consider taking appropriate lease enforcement action against the registered owners according to the prevailing programme of his office. It should also be noted that the site was accessible through an informal village road on Government land extended from Kung Um Road. His office did not provide maintenance works on the Government land nor guarantee right-of-way. Moreover, parts of the Government land had been granted with Government Land Allocations for respective projects, namely “Replacement and Rehabilitation of Water Mains Stage 2 Mains in New Territories West – Investigation, Design and Construction” and “Yuen Long and Kam Tin Sewage Treatment, Stage 2B-2T (Yuen Long South Branch Sewers)” by Water Supplies Department and Drainage Services Department under GLA-TYL1018 and GLA-TYL1278 respectively;

- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental

nuisances;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that two trees were found missing along the eastern perimeter of the site when compared with the implemented landscape works for the previous application and replacement planting was required. The submitted landscape plan did not tally with the actual site situation. All the existing and proposed trees should be clearly marked on plan and differentiated by using two different symbols in order to avoid confusion;

- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant should make reference to the requirements that, for open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Besides, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on-site were liable to action under section 24 of the Buildings Ordinance (BO). Moreover, the granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structures, for

approval under the BO was required. If the site did not abut a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. Besides, containers used as office or store were considered as temporary buildings and were subject to control under B(P)R Part VII. Provision of emergency vehicular access was also applicable under B(P)R 41D.

[The Chairperson thanked Mr. W.M. Lam, Mr. Anthony C.Y. Lee and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members' enquires. Messrs. Lam, Lee and Yuen left the meeting at this point.]

Agenda Item 36

Any Other Business

143. There being no other business, the meeting was closed at 5:00 p.m..