

TOWN PLANNING BOARD

**Minutes of 439th Meeting of the
Rural and New Town Planning Committee held at 3:30 p.m. on 15.4.2011**

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Professor Edwin H.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. C.P. Lau

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories East,
Transport Department
Mr. Ambrose S.Y. Cheong

Assistant Director (Environmental Assessment),
Environmental Protection Department
Mr. C.W. Tse

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

Deputy Director of Planning/District
Miss Ophelia Y.S. Wong

Secretary

Absent with Apologies

Mr. Rock C.N. Chen

Professor Paul K.S. Lam

Dr. W.K. Lo

Ms. Anita W.T. Ma

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

In Attendance

Assistant Director of Planning/Board
Mr. C.T. Ling

Chief Town Planner/Town Planning Board
Ms. Christine K.C. Tse

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

Agenda Item 1

Confirmation of the Draft Minutes of the 438th RNTPC Meeting held on 1.4.2011

[Open Meeting]

1. The draft minutes of the 438th RNTPC meeting held on 1.4.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-HC/2 Application for Amendment to the Approved Ho Chung
Outline Zoning Plan No. S/SK-HC/9 from “Conservation Area”
to “Village Type Development”, Lot 590 (Part) in D.D. 247 and
adjoining Government Land, Ngau Pui Wo, Sai Kung
(RNTPC Paper No. Y/SK-HC/2)

Presentation and Question Sessions

3. Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mr. Charles C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs) of the Planning Department (PlanD), and Mr. Lam To Kuen, Benny, the applicant’s representative, were invited to the meeting at this point.

4. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Charles C.F. Yum, STP/SKIs, to brief Members on the background of the application. Mr. Charles C.F. Yum did so as detailed in the Paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to rezone the application site from “Conservation Area” (“CA”) to “Village Type Development” (“V”) to regularise the existing New Territories Exempted House (NTEH) and private garden on site. The site was at present fenced off at its east, south and west, and was partly covered by illegal structures on the portion of government land;
- (b) there was a similar request for amendment to the same Outline Zoning Plan (OZP) from “CA” and “V” to “V” for Small House development in Wo Mei, Sai Kung but the rezoning request was not agreed by the RNTPC on 3.2.2006 for reasons that site was surrounded by natural hill slopes with mature trees and vegetation; there was no shortfall of land for Small House development within the same “V” zone; the proposed development would result in adverse landscape impacts on the surrounding area; and approval of the request would set an undesirable precedent for other similar applications in the area;
- (c) the planning intention of “CA” zone was to protect and retain existing natural landscape, ecological or topographical features of the area for conservation and separate the sensitive natural environment from the adverse effects of development, and there was a general presumption against development in this zone;
- (d) the major departmental comments were summarised as follows :
 - (i) the District Lands Officer/Sai Kung (DLO/SK) did not support the application in view that the application site was not covered by the village ‘environs’ (‘VE’) and a majority part of the site fell on government land. The short term tenancy (STT) application to the Lands Department (LandsD) would unlikely be approved even

though the rezoning application was successful as the owners failed to meet the criteria stipulated by DLO/SK in that the existing occupation area and the built-over-area of the existing prefabricated structure were considered excessive;

- (ii) the Chief Town Planner/Urban Design and Landscape, PlanD objected to the application on the grounds that there was a general presumption against development in “CA” zone; the private garden with concrete paving was incompatible with the surrounding landscape character; and approval of the application would set an undesirable precedent, thus resulting in a general degradation of the natural environment; and
 - (iii) the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) pointed out that the application site encroached upon the upper indirect water gathering grounds (WGGs) and had grave concern on the pollution effects due to the rezoning application;
- (e) six public comments were received during the statutory publication period. Five of them, including a Sai Kung District Council member relaying views from the village representatives and villagers of nearby villages, the Kadoorie Farm and Botanic Garden, World Wide Fund for Nature Hong Kong, Hong Kong Bird Watching Society and Designing Hong Kong Ltd., objected to the application mainly on the grounds that the use was not in line with the planning intention of “CA” zone, the nearby “V” zone was not yet fully occupied, approving the application might set a bad precedent and would result in adverse ecological and landscape impacts. The remaining public comment was from the village representatives of Tai Lam Wu Village who requested to rezone other areas within the village to “V”; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper, which was summarised as follows :

- (i) the site was surrounded by woodland in the “CA” zone and there were mature trees to its east and south. It was partly covered by a portion of a NTEH on private land and the paved and fenced off private garden involved illegal occupation of government land (over 82% of the application site). The private garden with concrete paving and boundary wall created an adverse impact on the landscape character of the surrounding woodland in the “CA” zone and was incompatible with the adjacent landscape character;
- (ii) given that the site was within the upper indirect WGGs, the applicant failed to demonstrate that the rezoning application would have no adverse impact on the WGGs. In this regard, CE/Dev(2) of WSD had grave concern on the pollution effect on the WGGs and objected to the application;
- (iii) the approval of the rezoning proposal would set an undesirable precedent for further development within the “CA” zone and other similar rezoning applications in the area. The cumulative effect of approving similar requests would result in a general degradation of the natural environment;
- (iv) as the application involved illegal occupation of government land, DLO/SK did not support the application and advised that the STT for regularisation of the illegal occupation of government land under the rezoning application (56m² and 82.3% of the application site) would unlikely be approved;
- (v) there were public comments objecting to the application on the grounds of planning intention of “CA” zone, nearby “V” zone not yet fully occupied, no ecological assessment, adverse landscape impacts and undesirable precedent.

5. The Chairman then invited the applicant’s representative to elaborate on the

application. Mr. Lam To Kuen, Benny presented the following main points of the proposed amendment :

- (a) the rezoning application made by the applicant was not for Small House development. The applicant only intended to make use the site for organic farming, which was compatible with the planning intention of the “CA” zone;
- (b) the applicant’s responses to paragraphs 9.1.1 and 9.1.2 of the Paper were summarised as follows :
 - (i) approval letter regarding the redevelopment on Lot 590 in D.D. 247 for a NTEH was obtained from LandsD on 12.9.1997 and the “No Objection to Occupy” letter was subsequently issued on 21.10.2005;
 - (ii) DLO would usually grant STT to NTEH owners to allow them to use the government land adjacent to their Small Houses. He understood that the STT application was not processed for the application site as it was zoned “CA” on the OZP. The applicant had no choice but submitted a rezoning application to the TPB;
 - (iii) most of the Small Houses currently built were of a roof-over area of 700sq. ft. Houses on old Schedule Lots were only allowed to be developed with a roof-over area of 435sq.ft. The latter type of houses would usually be developed with a roof-over area of 430sq.ft. only in order to facilitate the application for “No Objection to Occupy” letter from LandsD;
 - (iv) on the part of “threshing floor” (禾塘地) within the application site, it was currently used for keeping dogs for security purpose. The boundary wall was also constructed for the same purpose;
 - (v) the balconies and platforms for air-conditioners had already been included in the “No Objection to Occupy” letter issued by LandsD;

- (vi) as regards the illegal rooftop structure, the applicant was waiting to appeal to the order to remove the structure. In fact, the rooftop structure was built in compliance with the standards and requirements of the Buildings Department;
- (vii) the applicant applied to LandsD twice for a STT to use the application site but was rejected. It was not until January 2010 that he was advised by staff of the Central Enforcement and Prosecution Section of PlanD that the application site was partly within “CA” and partly within “V” zones of the OZP. The applicant then decided to apply to the TPB to regularise the existing NTEH and private garden use on site. LandsD should give favourable consideration to the STT application as the proposed STT area did not exceed the criteria for processing such applications;
- (viii) since the redevelopment of the NTEH in 1997, there was no water pollution complaint though the site fell within WGGs, LandsD had not imposed any special requirement on the construction of septic tank at the time when the NTEH was redeveloped; and
- (ix) he did not agree with LandsD that there was no structure existed on the site before 1990 as duck shed ruins were found when he first occupied the site.

[Mr. B.W. Chan left the meeting temporarily and Ms. Anna S.Y. Kwong arrived to join the meeting at this point.]

- (c) the concrete paved private garden was not incompatible with the surrounding woodland in the “CA” zone. Many other rural area projects undertaken by government departments or public utility companies such as the erection of lamp poles or the laying of utility pipelines in area zoned “CA” also involved the use of concrete;

- (d) given the small size of the application site and the proposed use for organic farming, the private garden use would not create adverse impact on the natural environment. The approval of the application would unlikely set an undesirable precedent and result in general degradation of the natural environment; and
- (e) out of the 14 government departments consulted, five had no comment and six had no objection to the application. Only three of the departments, including DLO/SK, CE/Dev(2) of WSD and CTP/UD&L of PlanD, raised objection to the application. He hoped that Members would give sympathetic consideration to his application.

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

6. A Member referred to the photographs as shown in Plan Z-4a of the Paper and enquired how the applicant would use the concrete paved area for organic farming. In response, Mr. Lam To Kuen, Benny said that the applicant intended to lay soil of about six inches thick on the garden platform for the growing of organic mushrooms and vegetables.

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

Deliberation Session

8. Members noted that the applicant had not provided any strong planning justification for the proposed rezoning application.

9. After deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 12.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the private garden with concrete paving and boundary wall had adverse impacts on the landscape character of the woodland in the concerned “Conservation Area” zone and was incompatible with the landscape character of the surrounding woodland;
- (b) the applicant had failed to demonstrate that the rezoning proposal would have no adverse impact on the water gathering grounds; and
- (c) the proposed rezoning would set an undesirable precedent for other similar rezoning applications in the area. The cumulative impact of approving such applications would result in general degradation of the natural environment.

Sha Tin, Tai Po and North District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/FSS/6 Application for Amendment to the Approved Fanling/
Sheung Shui Outline Zoning Plan No. S/FSS/14 from
“Industrial” to “Other Specified Uses” annotated “Columbarium”,
23 Yip Cheong Street, Fanling
(Fanling Sheung Shui Town Lot 163)
(RNTPC Paper No. Y/FSS/6)

10. The Secretary reported that the TPB Secretariat had received a petition letter against the application before the meeting. The letter, together with about 260 signatures from residents of Cheung Wah Estate, was submitted by the North Branch of the Democratic Alliance for the Betterment and Progress of Hong Kong, which relayed the residents’ views towards the rezoning application. Out of the 260 signatures, about 82% of them objected to the rezoning application while about 18% supported the application. The letter, together

with the signatures of local residents, was tabled at the meeting for Members' information. For those residents who objected to the proposal, they demanded that the application should be rejected as the columbarium development was too close to the residential developments nearby, and it might result in air pollution problem, create psychological impact to the residents and affect the local traffic in particular during the Ching Ming and Chung Yeung Festivals.

Presentation and Question Sessions

11. Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Ms. Doris S.Y. Ting, Senior Town Planner/Shan Tin, Tai Po and North (STP/STN), of the Planning Department (PlanD), and Mr. K.K. Sit, the applicant's representative, were invited to the meeting at this point.

12. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Doris S.Y. Ting to brief Members on the background of the application. Ms. Ting did so as detailed in the Paper and made the following main points with the aid of a powerpoint :

- (a) the applicant proposed to rezone the application site, with a site area of about 2,935m², from "Industrial" ("I") to "Other Specified Uses" annotated "Columbarium" ("OU(Columbarium)") to facilitate wholesale conversion of an existing 6-storey godown in the On Lok Tsuen Industrial Area into a columbarium with a total of 80,400 niches, 51 parking spaces for private cars and 5 taxi lay-bys. No burning of joss sticks or candles would be allowed in the columbarium;
- (b) the applicant also proposed a set of Notes for the "OU(Columbarium)" zone in which 'Columbarium' would be a Column 1 use with the remarks specifying that no new development or addition, alteration and/or modification to or redevelopment of an existing building should result in a total development and/or redevelopment in excess of a maximum number of 80,400 niches;

- (c) the justifications put forward by the applicant included the columbarium development could provide the needed facilities in the north-eastern New Territories, revitalise the existing under-utilised industrial building, would result in no adverse environmental and visual impacts to the local residents, and would not overload the transport infrastructure;

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

- (d) the major departmental comments as detailed in paragraph 8.1 of the Paper were summarised as follows :
 - (i) the Commissioner for Transport (C for T) did not support the application as the traffic impact assessment (TIA) report submitted by the applicant had not provided sufficient information and analysis to demonstrate that the development proposal would not generate adverse traffic impacts. The assumptions adopted in the TIA report were not well justified. The applicant could not address his concerns on possible traffic impacts to the existing transport infrastructure, crowd control arrangement as well as provision of holding area, parking spaces, loading/unloading bays, etc.;
 - (ii) the Commissioner of Police (C of Police) had reservation on the application and commented that sufficient parking facilities had to be arranged to avoid illegal parking along the road leading to the proposed columbarium and the overall road network should be improved as significant increase in traffic was anticipated during the worshipping seasons; and
 - (iii) the Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) commented that the proposed conversion of the existing building to a columbarium would incur an increase in population at 2/F to 5/F. The capacity of the existing three numbers of staircases might be inadequate and the applicant was required to demonstrate compliance with Means of Escape Code

11.1;

- (e) The District Officer (North) advised that local objections to the application had been received from the concerned North District Council members, Chairman of Owners' Committee (OC) of Fanling Industrial Centre, the Residents' Representative (RR) of Shung Him Tong (West), RR of Tong Hang (Upper and Lower), Chairman of Management Committee of Cheung Wah Estate, Chairman of OC of Fanling Centre, Vice-Chairman of Fanling Government Primary School Parents Teachers Association and some residents nearby. They objected to the application mainly on the grounds of land use incompatibility, the columbarium being too close to residential developments, adverse traffic, environmental, sewerage, visual, psychological impacts and adverse impact on the property value and reduction of the industrial floor space. Other than the above, the Principal of Caritas Fanling Chan Chun Ha Secondary School, Chairman of Fanling District Rural Committee, Chairman of New Territories North District Manufactures Association of Hong Kong, and RR of Shung Him Tong (East) had no comment on the application;
- (f) A total of 21 public comments, together with 2,603 signatures of local residents/members of the general public, were received during the statutory publication period and all of them objected to the application. The main reasons of objection were that the proposed columbarium would result in adverse traffic, environmental, visual and 'fung shui' impacts, was too close to nearby industrial and residential buildings and not compatible with the land uses in the surrounding area, would have adverse psychological impact to the nearby workers/residents, and would reduce the industrial floor space and affect the active industrial activities; and
- (g) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 10 of the Paper, which was summarised as follows :
 - (i) based on the 'Area Assessments 2009 of Industrial Land in the

Territory' (the Area Assessment Study) conducted by PlanD which was endorsed by the TPB on 17.9.2010, the entire "I" zone of On Lok Tsuen Industrial Area including the application site should be retained given the prevalent active and established industrial uses in the area. The proposed rezoning was therefore not in line with the recommendations of the Area Assessment Study;

- (ii) although the application site was located at the southern edge of a well established industrial area, the proposed columbarium use at the site was considered incompatible with the nearby residential developments, i.e. Cheung Wah Estate, Fanling Centre and Fanling Town Centre, with the nearest Cheung Wah Estate just opposite Jockey Club Road to its southwest;
- (iii) the scale of the proposed columbarium was considered excessive and it would generate significant number of visitors and traffic flow in particular during the Ching Ming and Chung Yeung Festivals. The applicant had failed to demonstrate that the proposed development would not have adverse impact on traffic and pedestrian circulation in the surrounding area. C for T did not support the application and commented that the TIA conducted by the applicant had not provided sufficient information to demonstrate that the proposed development would not generate adverse traffic impact and his concerns on possible traffic impact, crowd control management and the provision of holding area, parking spaces and loading/unloading facilities were not addressed. C of P also had reservation on the application particularly on the parking provision and the overall road network in the surroundings;
- (iv) in view of the anticipated huge number of persons who would visit the columbarium with a maximum number of 80,400 niches, the applicant had not demonstrated that the means of escape of the existing building with provision of three staircases were adequate to meet the increase in population; and

- (v) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area which would result in a loss of industrial floor space and aggravate the adverse traffic impact of the area.

[Mr. Walter K.L. Chan and Mr. Timothy K.W. Ma left the meeting temporarily at this point.]

13. The Chairman then invited the applicant's representative to elaborate on the application. Mr. K.K. Sit tabled for Members' reference a set of photographs showing the application site and its surrounding environment as well as the applicant's responses to the planning considerations in the RNTPC Paper and made the following key points :

- (a) the existing godown building at the application site was relatively new and in good conditions, and was suitable for wholesale conversion into a columbarium. The site was situated at the southern edge of the On Lok Tsuen Industrial Area and was conveniently connected to MTR Fanling Station as visitors could walk from the Station along San Wan Road and cross Jockey Club Road through a pedestrian subway/cycle path to arrive at the columbarium. The width of the pedestrian subway was even wider than the vehicular tunnel leading to the Cheung Sha Wan Catholic Cemetery in Kowloon. As compared with the walking distance from MTR Cheung Sha Wan Station to the Cheung Sha Wan Catholic Cemetery, which took about 15 minutes and involved a section of slope before reaching the columbarium, visitors would only need to take a five minutes' walk from MTR Fanling Station before reaching the columbarium at the application site;

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

- (b) the applicant had no objection to retain the entire "I" zone of On Lok Tsuen Industrial Area as recommended by the Area Assessment Study and the proposed conversion of under-utilised industrial floor space at the

application site for a needed facility was in line with the objective of the Area Assessment Study which was to identify suitable area for rezoning to other uses;

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

- (c) the TIA had indicated that the East Rail could satisfy the traffic demand generated by the number of visitors to the proposed columbarium and the purpose-built pedestrian network linking the MTR Fanling Station and the industrial area would be adequate to serve the visitors. In this regard, the proposed 50 number of on-site parking spaces and five taxi lay-bys would also be adequate for serving the disabled. Besides, visits to the columbarium would normally be made on Saturday, Sunday and public holidays and hence would not be in conflict with the activities at the nearby industrial buildings. The concern raised by C of Police on the obstruction of emergency vehicles to nearby industrial buildings should not be a problem;
- (d) the estimated maximum number of 18,544 visitors per hour meant that there would be 3,091 visitors every 10 minutes. The stay of each visitor for about 5 to 10 minutes would be enough. On the other hand, the minimum distance of 4m provided between the bays of niches on each floor was much more spacious than other existing columbaria in the territory. There were also two reception areas at each floor, each with an area of 100m². In this regard, there would be no problem in crowd control. Since no burning of joss sticks and candles would be allowed, it was noted that the Director of Fire Services had no objection to the rezoning application;

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

- (e) the outlook of the existing industrial building on site would be maintained and it was compatible with the surrounding environment. The site was also well separated from the nearby residential development, i.e. Cheung

Wah Estate, by a major road and a lot of trees and hence should not affect the surrounding environment except the psychological effect to the residents. As there would not be any other suitable sites in the On Lok Tsuen Industrial Area for columbarium use, the applicant considered that approval of the rezoning application would not set a precedent for other similar applications in the area;

- (f) apart from those comments against the application, there were other “no comments” responses from the local community, which could be regarded as supporting to the rezoning proposal;

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

- (g) as the applicant had no intention to redevelop the existing building and the proposed wholesale conversion would not alter the plot ratio and height of the existing building, it was considered that the control of the total number of niches under the OZP Notes would be adequate; and
- (h) it was mentioned in the Advisory Council on Food and Environmental Hygiene Paper No. 4/2010 on “Review of Columbarium Policy” that ‘The Government will continue to identify suitable sites in all districts for columbarium development purpose. Construction of or conversion of multi-storey buildings into columbarium blocks can also be considered.’ In this respect, the applicant’s proposal that would provide the much needed niches in an existing under-utilised godown was a positive response to the government policy and should be encouraged.
- (i) Mr. K.K. Sit said that many people in Hong Kong objected to columbarium development because of the expensive price they needed to pay for the niches. As far as he understood it, the storage of cremated human ashes at home was not allowed under the existing law, and hence columbaria were required to provide places for the storage. If the storage of cremated human ashes at home was allowed in future but was subject to licensing control by the Government at a charge, the demand for columbarium would

still be high;

- (j) the owner of a private columbarium needed to apply to the Lands Department (LandsD) for lease modification. It might be subject to the payment of premium at about \$20,000 per niche. Taking into consideration the 14-year long operation of the proposed columbarium as claimed by the applicant, each customer had to pay for about \$45,000 per niche for the land premium. In actual fact, the high price of the niches was because of the development cost and the interest, and the high land premium imposed by LandsD; and
- (k) the provision of private columbarium was in line with the prevailing government policy. The proposal had provided for the need in the Yuen Long, Tai Po and northern districts. It could satisfy the demand for the next 14 years in northeast New Territories. The TIA indicated that the traffic demand could be satisfied. The location was convenient and it was compatible with the surrounding land uses. There was no fire safety concern as no burning of joss sticks or candle would be allowed. Besides, the proposal could revitalise the existing under-utilised godown at the application site.

[Ms. Anna S.Y. Kwong returned to join the meeting and Mr. C.W. Tse left the meeting at this point.]

14. The Chairman said that the issue of land premium was not under the purview of the TPB while Mr. K.K. Sit said that he would like the point to be recorded so that it could be reflected to the relevant bureaux through the TPB.

15. Noting that the Government had identified two potential sites for columbarium use in the North District, i.e. one at the Wo Hop Shek Cemetery and the other at the Sandy Ridge Cemetery, to meet the long-term needs in Hong Kong and a public consultation on the subject had been undertaken in 2010, a Member asked whether the applicant had put forward his proposal for consideration of the Government before. In response, Mr. K.K. Sit said that the Fanling District Rural Committee had previously received a questionnaire from the

Heung Yee Kuk on sites suitable for columbarium development and, being the planning consultant of the Fanling District Rural Committee, he had recommended the site to the Fanling District Rural Committee though at that time the applicant had not decided to pursue the columbarium proposal. He was not sure whether the Fanling District Rural Committee had put forward the suggestion to the Heung Yee Kuk.

16. Another Member enquired whether the applicant had any response to C for T's comments that part of the proposed pedestrian route was too narrow and the need for provision of holding areas to address the pedestrian circulation and crowd control issues particularly during the Ching Ming and Chung Yeung Festivals.

17. In response, Mr. K.K. Sit referred to Drawing Z-1 of the Paper and explained that the width of the pedestrian subway/cycle track next to the proposed columbarium was wide enough to cater for large amount of pedestrians. After passing through the subway, there was a public park which could serve as a waiting area or a resting place for the visitors. Visitors coming from MTR Fanling Station could also walk through Cheung Wah Estate to reach the columbarium. In view of the above, no special crowd control measures were required.

18. Mr. K.K. Sit, by referring to Drawing Z-3 of the Paper, said that since there would be two large reception areas on the two ends of every floor and there would be a minimum width of 4m between the walls of niches, the dispersal problem of visitors out of the columbarium building could be satisfactorily resolved.

19. In response to a Member's enquiry, Mr. W.K. Hui said that there would be scope for provision of a further 80,000 niches at Wo Hop Shek upon completion of the expansion plan in 2014/15 while about 100,000 niches, based on a rough estimate by the Civil Engineering and Development Department, could be provided at Sandy Ridge Cemetery subject to detailed study.

20. As the applicant's representative had no further points to raise and there were no further questions from Members, the Chairman informed him that the hearing procedures for the application had been completed and the Committee would deliberate on the application in his absence and inform the applicant of the Committee's decision in due course. The

Chairman thanked the applicant's representative and PlanD's representatives for attending the hearing. They all left the meeting at this point.

Deliberation Session

21. A Member said that the proposed columbarium could help meet the demand for niches in the northeastern New Territories and relieve the pressure for niches at Wo Hop Shek Cemetery, given that the application site was in close proximity to MTR Fanling Station. That Member also considered that the subject godown was suitable for conversion into a columbarium, in view of its existing conditions and it was not incompatible with the surrounding land uses and was separated from the nearest residential development by a park.

22. Another Member had reservation on the rezoning application and commented that the information submitted was not sufficient to substantiate the proposed columbarium development. The TIA submitted by the applicant did not contain sufficient technical information to demonstrate that the proposed development would not have adverse impact on the traffic and pedestrian circulation. That Member also pointed out that the car park layout as shown on Drawing No. P101 as submitted by the applicant might not be able to meet the Transport Department (TD)'s requirements. That Member considered that the application should not be agreed.

23. A Member appreciated the applicant's intention to provide the much needed columbarium service but said that the applicant had under-estimated the traffic demand generated by the proposed development and the information provided was not detailed enough to support the application. That Member agreed that the application should not be approved.

24. Upon the request of the Chairman, Mr. Ambrose S.Y. Cheong explained that the TIA report submitted by the applicant was based on certain assumptions which were not verified nor had reference been drawn to similar facilities. He was therefore not confident with the estimated flow of visitors. TD also had reservation on the pedestrian route proposed by the applicant. According to the applicant, most of the visitors would take the East Rail and walk to the proposed columbarium. Mr. Cheong said that MTR Fanling Station was already very busy at Ching Ming and Chung Yeung Festivals and its connecting

footbridges including the one connecting to Fanling Town Centre were very crowded. A section of the footpath along San Wan Road near the Jockey Club Road was too narrow (the minimum width was only about 1.6m) to accommodate a large number of visitors, especially for the elderly and disabled persons. Mr. Cheong also had doubt on whether the visitors would walk through the footpath along the cycle track and Cheung Wah Estate as just mentioned by the applicant. Besides, there was no other means of public transport serving directly to Yip Cheong Street, except a green minibus. A more detailed TIA was required to provide the necessary justification for the proposed development.

25. A Member asked whether it would be an improvement if visitors coming out from MTR Fanling Station were diverted to two opposite directions to Wo Hop Shek Cemetery and the proposed columbarium separately. Mr. Ambrose S.Y. Cheong said that further study would need to be carried out to examine the effect. Overall, the concerns of TD on pedestrian circulation had not been satisfactorily addressed by the applicant.

26. A Member did not agree that the proposed columbarium could help meet the demand for niches at the Wo Hop Shek Cemetery and considered that resources should first be given to developing public columbaria so that people could have access to the needed facility at an affordable price. That Member opined that given the columbarium at Wo Hop Shek Cemetery had only been developed to about one-tenth of its capacity, the Government should, in the public interest, expedite the expansion plan at Wo Hop Shek so as to meet the long-term needs of the public.

27. The Secretary informed Members that the Sandy Ridge Cemetery had the potential of developing more than 100,000 niches subject to detailed study. For the Wo Hop Shek Cemetery, funding support had been obtained in 2009 for the provision of 41,000 niches which were scheduled for completion in July 2012 and there was scope for further provision of an additional 80,000 niches which were scheduled for completion in 2014/15.

28. A Member considered that the rezoning application should not be agreed as there was insufficient information in the submission to demonstrate that the proposed columbarium development was acceptable especially the traffic impact.

29. The view was shared by another Member who expressed that the scale of the

proposed columbarium was excessive and there were concerns on the adequacy of means of escape at emergency.

30. In response to the enquiry of a Member, the Chairman said that the Government had an overall plan to provide public columbaria in different districts in Hong Kong.

31. The Chairman concluded that Members agreed that the application should not be supported as the scale of the columbarium development was excessive and the technical assessments submitted had not contained sufficient information to demonstrate that the proposed development would not result in adverse impacts to the surrounding area.

32. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons for rejection as stated in paragraph 11.2 of the Paper and considered that they were appropriate :

- (a) the proposed development, which was located at the southern part of an active industrial area and close to residential developments, was not compatible with the surrounding land uses;
- (b) the scale of columbarium development with a total of 80,400 niches was considered excessive and would generate significant number of visitors and traffic to the area, in particular during Ching Ming and Chung Yeung Festivals. The applicant had failed to demonstrate that the proposed development arising from the proposed zoning amendment would not result in adverse impacts on traffic and pedestrian circulation to the surrounding area;
- (c) there was concern on the increase in number of visitors resulting from the wholesale conversion of the existing industrial building to columbarium use. The applicant had failed to demonstrate that the means of escape of the existing industrial building was adequate to serve the proposed columbarium; and
- (d) the approval of the rezoning proposal would set an undesirable precedent

for other similar rezoning applications in the area which would result in a loss of industrial floor space and aggravate the adverse traffic impact of the area.

[Dr. W.K. Yau left the meeting and Mr. Walter K.L. Chan, Mr. B.W. Chan, and Mr. Ambrose S.Y. Cheong left the meeting temporarily at this point.]

Sai Kung and Islands District

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/SLC/2

Application for Amendment to the Approved South Lantau Coast Outline Zoning Plan No. S/SLC/16 from “Green Belt” to “Other Specified Uses” annotated “Columbarium”, Lots No. 26 (Part), 27 (Part), 28 (Part), 29 (Part), 30 (Part), 31, 32 (Part), 33 (Part), 34 (Part), 35 (Part), 37, 38, 39, 40, 41, 42 (Part), 43 (Part), 45 (Part), 46, 47, 48 (Part), 52 (Part), 53 (Part), 54 (Part), 55 (Part), 56 (Part), 59 (Part), 60 (Part) and 61 (Part) in D.D. 337 and Adjoining Government Land, Mong Tung Wan, Lantau Island (RNTPC Paper No. Y/SLC/2)

33. The Committee noted that the application had been submitted to the Land and Development Advisory Committee (LDAC) for consideration in July 2010, and the Chairman and Mr. Stephen M.W. Yip, being an Ex-officio member and a non-official member of LDAC, had declared interests in this item. As the applicant had requested for a deferment of consideration of the application, the Committee agreed that the Chairman and Mr. Stephen M.W. Yip could be allowed to stay in the meeting.

34. The Secretary reported that a petition letter was received from 大澳環境及發展關注協會 by the Development Bureau on 13.4.2011 objecting to the application mainly on

the grounds of land use incompatibility, planning, legal viewpoint, and adverse traffic, environmental, and ecological impacts. The petition letter was tabled at the meeting for Members' information. As the applicant had requested for a deferment of the consideration of the application, Members' attention to the petition would be drawn when the application was submitted to the Committee for consideration.

35. The Committee noted that after the issue of the paper, the applicant's representative requested on 11.4.2011 for a deferment of the consideration of the application for two months in order to allow sufficient time to address the departmental comments received.

36. The Secretary said that the request for deferment 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' in that the applicant needed more time to resolve the outstanding departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. Ambrose S.Y. Cheong returned to join the meeting at this point.]

[Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs) and Mr. Wilfred C.H. Cheng, Senior Town Planner/Sai Kung and Islands (STP/SKIs), of Planning Department (PlanD), Mr. Tai Keen Man, Assistant Director (Radio), Mrs. Fiona Chak, Chief Executive Officer, and Mr. John Yip, Chief Engineer, of Radio Television Hong Kong (RTHK), and Mr. Albert Yue, Senior Project Manager, of Architectural Services Department, were invited to the meeting at this point.]

Agenda Item 6

[Open Meeting (Presentation and Question Sessions Only)]

Proposed Amendments to the

Draft Tseung Kwan O Outline Zoning Plan No. S/TKO/18

(RNTPC Paper No. 5/11)

Presentation and Question Sessions

38. With the aid of a powerpoint, Mr. Wilfred C.H. Cheng, STP/SKIs, briefed Members on the proposed amendments to the draft Tseung Kwan O (TKO) OZP as detailed in the Paper and covered the following main points:

Proposed Amendment to the OZP

Amendment Item A: Rezoning of a site from “Other Specified Uses” annotated “Sewage Treatment Works” (“OU(STW)”) to “Government, Institution or Community (9)” (“G/IC(9)”) [Area about 5.78ha]

Proposed RTHK Broadcasting House in TKO Area 85

- (a) a site of about 1.74ha on the south-eastern part of TKO Area 86 was zoned “Government, Institution or Community” (“G/IC”) on the draft TKO OZP No. S/TKO/18 and had been reserved for the reprovisioning of the RTHK Broadcasting House (the original site). Due to new service demand on RTHK, particularly the provision of digital terrestrial TV services, the original site had been found by RTHK no longer suitable for the development of the new Broadcasting House;
- (b) a new site of about 3.14ha on the south-western part of TKO Area 85, which was zoned “OU(STW)” on the draft TKO OZP No. S/TKO/18, had been identified for the reprovisioning of the RTHK Broadcasting House;
- (c) as advised by the Environmental Protection Department, the site was no longer required for the future expansion of the TKO sewage treatment

works;

- (d) taking into account the site level, surrounding development and operational needs of RTHK Broadcasting House, developments within the “G/IC(9)” zone were restricted to a maximum building height of 60mPD (i.e. 53m above site level of about 7mPD), except a communication tower of up to 76mPD;

Proposed Undesignated “G/IC” Site in TKO Area 85

- (e) the piece of land (about 2.64ha) between the site for the proposed RTHK Broadcasting House and the existing sewage treatment works, which was the remaining land not required for future expansion of the TKO sewage treatment works, was rezoned from “OU(STW)” to “G/IC(9)” to cater for future needs for GIC uses. Due to the proximity of the site to areas for broadcasting, innovation and technology industries in TKO, the site might be suitable for information technology and telecommunications related uses subject to further assessments;
- (f) to be in line with the proposed RTHK Broadcasting House development, the same maximum building height of 60mPD (i.e. 53m above the site level of about 7mPD) was proposed for this undesignated “G/IC(9)” site;
- (g) to allow flexibility for development of information technology and telecommunications related uses at the site, ‘Information Technology and Telecommunications Industries’ was proposed to be added to the Column 2 uses of the “G/IC” zone for the sub-zone of “G/IC(9)” only so that information technology and telecommunications related uses might be permitted on application to the TPB;

Proposed Amendments to the Notes of the OZP

- (h) to accord with the above proposed amendment, remarks for “G/IC(9)” sub-area with maximum building height restriction were proposed to be added for the “G/IC” zone of the Notes of the draft TKO OZP No. S/TKO/18;

- (i) to allow flexibility for development of information technology and telecommunications related uses at the site, 'Information Technology and Telecommunications Industries (within "G/IC(9)" only)' was proposed to be added to the Column 2 uses of the "G/IC" zone, i.e. information technology and telecommunications related uses might be permitted on application to the TPB;

Revision to the Explanatory Statement of the OZP

- (j) the Explanatory Statement of the TKO OZP had been revised to reflect the above proposed amendments and to update the general information of various land use zones where appropriate;

Consultation

- (k) the proposed amendments had been circulated to concerned government departments and bureaux, and relevant comments had been incorporated into the above proposed amendments as appropriate; and
- (l) the Sai Kung District Council would be consulted prior to or during the gazette of the OZP for the proposed amendments.

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

39. A Member had no objection to the proposed amendment and asked whether the communication tower of the proposed RTHK Broadcasting House could be positioned farther away from the residential blocks of Lohas Park so as to address the residents' concerns on the potential radiation emission. In response, Mr. Ivan M.K. Chung stated that concerned government departments, including Department of Health and the Office of the Telecommunications Authority (OFTA), had been consulted on the proposed amendment and they had raised concern on the communication tower.

40. Mr. Tai Keen Man explained that the telecommunications equipment had been

used at the existing Broadcasting House at Broadcast Drive for a long time and the radiation level, as monitored by OFTA, was low. Moreover, a new point-to-point transmission technology would be employed at the new TKO Broadcasting House when the telecommunications signals would only be transmitted in a southerly and south-westerly directions, away from the residential blocks. Moreover, RTHK had selected the southern portion of the subject "G/IC(9)" site as the reprovisioned Broadcasting House and consideration would also be given to place the communication tower towards the southern part of the site so as to further minimise the possible impacts to the residents nearby.

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

Deliberation Session

41. After deliberation, the Committee decided to :
- (a) agree that the proposed amendments to the draft Tseung Kwan O Outline Zoning Plan (OZP) No. S/TKO/18 as shown on the draft OZP No. S/TKO/18A at Appendix II and the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance;
 - (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft OZP No. S/TKO/18A as an expression of the planning intention and objectives of the Town Planning Board for various land use zones on the draft OZP No. S/TKO/18A; and
 - (c) agree that the revised ES at Appendix IV of the Paper was suitable for exhibition together with the draft OZP No. S/TKO/18A (to be renumbered to S/TKO/19 upon exhibition) and issued under the name of the Town Planning Board.

[The Chairman thanked Mr. Ivan M.K. Chung, DPO/SKIs, and Mr. Wilfred C.H. Cheng, STP/SKIs, of PlanD, Mr. Tai Keen Man, Assistant Director (Radio), Mrs. Fiona Chak, Chief Executive Officer, and Mr. John Yip, Chief Engineer, of RTHK, and Mr. Albert Yue, Senior

While three of them, from Friends of the Earth and two members of the public, raised concerns on the sanitary and household discharges to the natural stream right beside the application site, the other two comments, from two members of the public, stated that the proposed development would block the emergency vehicular access of Lots 392 to 297 and cause serious potential hazard; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The application generally complied with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that the proposed Small House footprint fell entirely within the village 'environs'. Sympathetic consideration could be given to the application as the site was the subject of a previously approved planning application (No. A/SK-PK/47) and the District Lands Officer/Sai Kung advised that the processing of the subject Small House grant was at an advanced stage and had no objection to the application. The application was generally in line with the TPB Guidelines No. 10 in that the proposed development would not cause adverse impact on the landscape resource and landscape character of the area, and would have no adverse infrastructural impacts on the surrounding area, and concerned government departments consulted had no objection to the application. Regarding the three public comments on the potential impact of the proposed Small House on the nearby streamcourse, the Chief Engineer/Mainland South of Drainage Services Department had no in-principle objection to the application subject to the provision of drainage facilities to his satisfaction. Regarding the concern raised by the remaining two public commenters, it should be noted that the proposed Small House site did not block the existing access to Lots 392 to 397.

43. Members had no question on the application.

Deliberation Session

44. 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 15.4.2015, 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 the drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) 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; and
- (c) the submission and implementation of landscape proposal with tree preservation plan to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to apply to the District Lands Officer/Sai Kung for the land grant to effect the proposed New Territories Exempted House (Small House) application;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that due care should be given to preservation of the streamcourse and the riparian vegetations;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department's (DSD) that :
 - (i) there was an existing streamcourse near the subject lot, the applicant should take due consideration to avoid any disturbance to the existing streamcourse;
 - (ii) all the proposed works should be above the embankment level of the streamcourse; and

- (iii) the application site was within an area where there was no DSD sewerage/stormwater connection available in the vicinity at present. Environmental Protection Department's comment regarding the proposed sewage disposal facilities should be sought;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) that for the 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 the satisfaction of CE/Dev(2), WSD. Besides, the water mains in the vicinity of the application site 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 Commissioner for Transport that the access leading to the application site was not managed by the Transport Department and the applicant should check the land status with the lands authority and clarify the management and maintenance responsibilities for the access with the relevant lands and maintenance authorities accordingly; and
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the landscape plan attached to the application proposed planting of 3 Bauhinia blakeana in the non-building area was inferior to the approved landscape proposal for the previous application No. A/SK-PK/47 and was not acceptable. To establish a green buffer between the proposed house and the stream at the southwest of site

boundary, a row of medium size trees matching with the species found within the “Green Belt” zone was recommended. In order to avoid disturbance to the existing vegetation within the “GB” zone, no site formation or drainage works such as slope cutting should be carried out beyond the site boundary.

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

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/15 Proposed Hospital with Minor Relaxation of Plot Ratio Restriction from 1.5 to 1.65 in “Government, Institution or Community (5)” zone, Lot Nos. 8 s.C RP, 13 s.A, 18RP, 19-20, 22-23, 24 RP, 25-31, 33-51 and 666 in D.D. 227 and Adjoining Government Land, Tai Po Tsai, Clear Water Bay North, Sai Kung
(RNTPC Paper No. A/SK-CWBN/15)

46. The Secretary reported that Dr. James C.W. Lau, having current business dealings with Ho Tin & Associates Consulting Engineers Ltd., and Ms. Anna S.Y. Kwong, having current business dealings with Environ Hong Kong Ltd., had declared interests in this application as they were the consultants for the applicant. The Committee noted that Dr. Lau had already left the meeting. The Committee considered the interest was indirect and Ms. Kwong was allowed to stay in the meeting.

Presentation and Question Sessions

47. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed hospital with minor relaxation of plot ratio restriction from 1.5 to 1.65;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received from Designing Hong Kong Ltd. during the statutory publication period, which ended on 15.2.2011. The commenter objected to the minor relaxation of plot ratio restriction as the use of the site for hospital would encroach upon the land previously zoned “Conservation Area” on the OZP. On 25.2.2011, the further information of the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 18.3.2011, four public comments were received. Apart from the comment submitted by Designing Hong Kong Ltd. which was identical to its previous comments, the other three comments were submitted by local villagers of Pik Shui Sun Tsuen (PSST). Two PSST villagers objected to the application mainly on the grounds of adverse ecological, environmental, visual and traffic impacts, creating noise and hazardous impacts to the residents, the proposed development would alter the leisure lifestyle in the area, and requested that the ambulance depot should be removed. The other PSST villager also requested to locate the ‘outdoor building services installations’ building of the proposed hospital and the access road further away from the village; and to indicate the heights of nearby structures on the section ‘B’ submitted by the applicant in order to show the true impact of height of the hospital; 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 hospital proposal was in line with the planning intention of the “Government, Institution or Community (5)” (“G/IC(5)”) zone on the OZP. “Hospital” use in the “G/IC(5)” zone requiring permission from the TPB was to ensure that the proposed development would have no adverse impacts on the surroundings. Taking into account the applicant’s

submissions, the applicant had demonstrated the proposed development generally complied with the requirements of relevant government departments and would not have adverse impacts on nature conservation, drainage, geotechnical, water supplies and fire safety impacts. Concerned government departments consulted had no objection to the proposed development. The Director of Health also had no comment on the proposed development provided that it complied with the Hospitals, Nursing Homes & Maternity Homes Registration Ordinance (Cap. 165) and all other necessary requirements. The proposed minor relaxation of plot ratio (PR) restriction aimed to provide sufficient floor space for the hospital at an optimal size to accommodate sufficient number of beds (not more than 235 beds) for in-patient care and essential supporting facilities and equipment needed for a primary care general hospital. The Secretary for Food and Health welcomed the proposed development and the minor relaxation of PR restriction as it would address the imbalance between the public and private sectors in hospital services and increase the overall capacity of the healthcare system in Hong Kong. The additional floor space (i.e. PR of 0.15) could be fully incorporated in the proposed hospital building within the statutory building height restriction of 150mPD and site coverage restriction of 30%. In this regard, the Chief Town Planner/Urban Design and Landscape of PlanD considered the design merits of the proposed development to justify the minor relaxation of PR restriction were acceptable. As regards the public comments concerning mainly about the adverse visual, environment and traffic impact of the proposed development, the government departments consulted confirmed that there was no adverse impact associated with the development. Regarding the queries raised by some commenters about the location and usage of the outdoor building services installation, the applicant confirmed that it contained a liquid oxygen tank, fire services systems water tank and pump room. The current location of this building was the optimum location to avoid building it above the 8m wide drainage reserve, and the building would be screened off by tree planting at the edge of the site. Regarding some commenters' concerns about the provision of ambulance parking area, it should be noted that such provision of ambulance lay-bys

and parking area was consistent with the design requirement for hospital development under the Hong Kong Planning Standards and Guidelines, and such facilities should be differentiated from the purpose-designed 'ambulance depot'.

48. Members had no question on the application.

Deliberation Session

49. 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 15.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape master plan with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the design, implementation and maintenance of the access road from Chuk Kok Road to the proposed development, with the measures to improve the sightline of the access road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the design, implementation and maintenance of the junction improvement works at Nam Pin Wai Roundabout and at J/O Clear Water Bay Road/Hang Hau Road/Ying Yip Road, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the design, implementation and maintenance of any necessary diversion of the existing streamcourse and other interface requirements to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the implementation of the environmental mitigation measures, as proposed

by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (f) the provision of fire service installations, water supplies for fire fighting and emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung that application for land exchange was required to implement the proposed private hospital development if the application was approved. However, there was no guarantee that the proposed land exchange would be approved and that additional government land would be granted even though the subject application was approved by the TPB;
- (b) to note the comments of the Director of Health that the proposed hospital development should comply with the Hospitals, Nursing Homes & Maternity Homes Registration Ordinance (Cap. 165) and all other necessary requirements;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape Unit, Planning Department that the following should be noted in the preparation of the landscape master plan submission:
 - (i) the tree group of TR112, 113, 115, 135, 136 & 138 *Araucaria heterophylla* (南洋杉) was a visual focus in the application site. The feasibility of preserving the tree group should be reviewed. If felling was unavoidable, compensation with same species and largest size stock in the market should be provided; and
 - (ii) for planting on structures, i.e. podium & roof, adequate structural loading for soil depth not less than 1.2m for tree planting should be allowed;

- (d) to note the comments of the Director of Environmental Protection that the responses to comments on air quality and noise sections should be included in the environmental assessment report and ensure the proposed measures would be incorporated in the future design of the hospital;
- (e) to note the comments of the Chief Engineer/ Sewerage Projects, Drainage Services Department (DSD) that the applicant should arrange its own sewer connection to the existing sewerage system maintained by Hong Kong University of Science and Technology;
- (f) to note the comments of the Chief Engineer/Mainland South, DSD that :
 - (i) based on the submitted drainage reserve, drainage work would be required for diverting the runoff from the subject site to the existing stream;
 - (ii) according to their records, there was an existing stream within the site for receiving the runoff from the 1200mm diameter stormwater drain; and
 - (iii) the applicant was reminded to maintain all time free access to the drainage reserve and adequate headroom along the drainage reserve to facilitate drainage maintenance works;
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the proposed access road crosses the existing slope feature no. 11NE-B/FR290 to the west of the site. Upon the proposed development, this slope feature might affect, or be affected by the proposed access road. Thus, the applicant should be responsible for maintaining the portion of slope feature no. 11NE-B/FR290 in the vicinity of the proposed access road;
- (h) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that:

- (i) the cost of any necessary diversion of existing water mains affected by the development should be borne by the development project;
 - (ii) for provision of fresh 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
 - (iii) salt water supply for flushing purpose was not available to the application site;
- (i) to note that 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 Fire-fighting and Rescue administered by the Buildings Department (BD). 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 East 2 & Rail, BD that:
- (i) since portion of the existing access road leading to Pik Shui Sun Tsuen was less than 4.5m wide, the development intensity of the Site in terms of height of building, maximum site coverage and maximum plot ratio should be determined by the Building Authority under Building (Planning) Regulation (B(P)R) 19(3);
 - (ii) emergency vehicular access complying with B(P)R 41D should be provided; and

- (iii) the requirements of the Hong Kong Planning Standards and Guidelines and the advice from the Commissioner for Transport would be taken into account in disregarding the carparking spaces and lay-by from gross floor area calculation.

[The Chairman thanked Mr. Charles C.F. Yum and Miss Erica S.M. Wong, STPs/SKIs, for their attendance to answer Members' enquires. Mr. Yum and Miss Wong left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 9

Section 12A Application

[Open Meeting]

Y/NE-KTN/3 Application for Amendment to the Approved
Kwu Tung North Outline Zoning Plan No. S/NE-KTN/8
from "Open Storage", "Agriculture" and Area shown as 'Road'
to "Government, Institution or Community",
Lots 31, 32, 33, 35 S.A, 1936 and 2243 in D.D. 95,
Ho Shueng Heung, Sheung Shui
(RNTPC Paper No. Y/NE-KTN/3)

51. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Environ Hong Kong Ltd, one of the consultants for the applicant. The Committee considered that since the interest of Ms. Kwong in this item was indirect and the applicant had requested for a deferment of consideration of the application, Ms. Kwong was allowed to stay in the meeting.

52. The Committee noted that after the issue of the paper, the applicant's representative requested on 12.4.2011 for a deferment of the consideration of the application for two months in order to respond to the departmental comments received and provide

relevant supplementary information.

53. The Secretary said that the request for deferment 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’ in that the applicant needed more time to resolve the outstanding departmental comments, the deferment period was not indefinite, and that the deferment would not affect the interest of other relevant parties.

54. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

[Mr. W.K. Hui, District Planning Officer/Shu Tin, Tai Po and North (DPO/STN), Ms. Doris S.Y. Ting, Ms. Lisa L.S. Cheng and Mr. Anthony K.O. Luk, Senior Town Planners/Shu Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/307 Proposed Temporary Private Swimming Pool for a Permitted House
(New Territories Exempted House – Small House)
for a Period of 3 Years in “Agriculture” zone,
Lot 839 RP in D.D. 100, Hang Tau, Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/307)

Presentation and Question Sessions

55. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary private swimming pool for a permitted house (New Territories Exempted House – Small House) for a period of three years;
- (c) departmental comments – the District Lands Officer/North (DLO/N) did not support the application as the application site was with the village ‘environs’ (‘VE’) of Hang Tau Village and land should be reserved for Small House development;
- (d) two public comments were received during the statutory publication period. While Designing Hong Kong Ltd. objected to the application mainly on the grounds of incompatibility with the zoning intention and character of the area, and the absence of a sustainable village layout plan for the area, a member of the general public expressed ‘no comment’ on the application. The District Officer (North) advised that while the concerned North District Council member, Indigenous Inhabitants’ Representatives of Hang Tau raised objection to the application mainly on sewerage, safety and ‘fung shui’ aspects, the Residents’ Representative of Hang Tau supported the application provided that the traffic of the area would not be affected and the Chairman of Sheung Shui District Rural Committee had no specific comment on the application; 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 proposed temporary private swimming pool was for the leisure use of the residents of the existing Small House at the adjoining lot. The swimming pool was small in scale and would not adversely affect the village character of the area nor cause adverse impact to the surrounding area. Concerned government departments, including Transport Department, Environmental Protection Department and Drainage Services Department, had no adverse comment on the application. Although the

proposed development was not in line with the planning intention of the “Agriculture” zone, the site was already paved and formed and currently used as parking area, and hence the Director of Agriculture, Fisheries and Conservation had no strong view on the application. Nevertheless, conditions on drainage facilities, fire service installations and water supplies for fire fighting and landscape were recommended, and an approval condition restricting the public use of temporary swimming pool would be stipulated. DLO/N did not support the application as the application site was within the ‘VE’. However, should planning permission be granted, the owner of the application site would be advised to apply to his office for short term waiver for the proposed development. Regarding the objections from the locals and public commenter on incompatibility with the zoning intention and character of the area, and the lack of a sustainable village layout plan, adverse impacts on sewerage, ‘fung shui’ and safety concerns, concerned government departments consulted had no adverse comments on the application, and the concern on ‘fung shui’ was not a planning consideration. Nevertheless, should the application be approved, the applicant would be advised to liaise with the local residents to address their concerns.

56. Members had no question on the application.

Deliberation Session

57. Mr. Ambrose S.Y. Cheong suggested amending advisory clause (c) to reflect clearly that the two accesses leading to the site were not managed by the Transport Department. Members agreed.

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the proposed swimming pool should not be opened to members of the public;

- (b) the submission of drainage proposals, including proposal to deal with discharge from the swimming pool, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (c) in relation to (b) above, the implementation of drainage proposals, including proposal to deal with discharge from the swimming pool, within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.1.2012;
- (d) the submission of fire service installations and water supplies for fire fighting proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (e) in relation to (d) above, the implementation of fire service installations and water supplies for fire fighting proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012;
- (f) the submission of landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;
- (g) in relation to (f) above, the implementation of landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;
- (h) if the above planning condition (a) 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 (b), (c), (d), (e), (f) or (g) 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

- (j) 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.

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

- (a) the proposed development should not affect the operation of the existing electricity sub-station;
- (b) to note the comments of the District Lands Officer/North that :
 - (i) the lot under application was old schedule agricultural lots governed by the Block Government Lease. The lot was within the village environs of Hang Tau Village which was primarily to preserve the land for Small House development under the Small House Policy; and
 - (ii) the owner of the lot should be advised to apply to his office for Short Term Waiver (STW) for the proposed swimming pool and pump room. There was no guarantee that the STW would be granted to the applicant. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of STW fee;
- (c) to note the comments of the Commissioner for Transport that the section of Hang Tau Road near the application site and the access from Hang Tau Road to the application site were not managed by the Transport Department. In this regard, the land status of the accesses leading to the site should be checked with the lands authority. The management and maintenance

responsibilities of the same accesses should also be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that :
 - (i) the proposed swimming pool and the discharge of water therefrom should not cause any adverse impact to the existing drainage system and the environment;
 - (ii) the application should comply with Environmental Protection Department's Practice Note for Professional Persons ProPECC PN 5/93 (e.g. pool water should be discharged to stormwater drains);
 - (iii) polluted water in the proposed swimming pool or pumping/storage room, including any water carrying cleansing agents or disinfectants, should be removed from the application site by loading onto and trucked away in vehicles licensed for the disposal of sewage or, when connection to a public sewer becomes available, discharged to the public sewer; and
 - (iv) subject to advisory clause (d)(i) above, unpolluted pool water might be discharged via the same drainage outlets previously approved for the subject lots at rates not exceeding 15 litres/second only at times when no rainstorm warning was issued by Hong Kong Observatory;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:
 - (i) all building works were subject to compliance with Buildings Ordinance (BO); and
 - (ii) formal submission by an Authorised Person was required under the BO for any proposed building works. 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) Regulations (B(P)R) 19(3) at building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the application site;

- (f) to note the comments of the Director of Fire Service that :
 - (i) if no building plan would be circulated to Fire Services Department (FSD) via the Centralised Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to FSD for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised on the following points :
 - the layout plans should be drawn to an appropriate scale and depicted with dimensions and nature of occupancy; and
 - the location of where the proposed FSIs to be installed and access for emergency vehicles should be clearly indicated on the layout plans;
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that :
 - (i) the site was located within the flooding pumping gathering ground;

and

(ii) 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 Electrical and Mechanical Services that :

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

(i) prior to establishing any structure within the application site, the applicant and/or their contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

(ii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and their contractors when carrying out works in the vicinity of the electricity supply lines; and

(i) to liaise with the local residents to address their concerns on the applied use.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/310 Proposed Comprehensive Residential Development
in “Comprehensive Development Area”, “Green Belt” and
“Residential (Group C) 3” zones and an Area shown as ‘Road’,
Lots 1554, 1558 S.B (Part), 1560 S.B (Part), 1561 (Part), 1562 S.A and
1882 in D.D. 100 and adjoining Government Land, Fan Kam Road,
Kwu Tung South, Sheung Shui
(RNTPC Paper No. A/NE-KTS/310)

60. The Secretary reported that Dr. James C.W. Lau, having current business dealings with Wong & Cheng Consulting Engineers Ltd., and Ms. Anna S.Y. Kwong, having current business dealings with ADI Ltd., had declared interests in this application as they were the consultants for the applicant. The Committee noted that Dr. Lau had already left the meeting. The Committee considered that the interest was indirect and Ms. Kwong was allowed to stay in the meeting.

Presentation and Question Sessions

61. Ms. Doris S.Y. Ting, STP/STN, reported that replacement page 16 of the Paper was tabled at the meeting for Members’ reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed comprehensive residential development;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had concerns on the landscape proposal submitted by the applicant, including the submission of the landscape master plan for Phase 2 development was inadequate, the submitted information was insufficient to reflect the existing trees within

the site, and there was insufficient buffer planting along the edge of the development;

- (d) 19 public comments were received during the statutory publication period. While two local villagers objected to the application as the access currently used by the villagers was blocked by the proposed development under construction, 15 local villagers supported the application as the proposed development would be committed and completed early, the proposed development would improve the infrastructures of the area and bring about development and employment opportunities. The Chairman of Owners' Committee of Miami Crescent commented that Fan Kam Road was too narrow to accommodate the additional traffic brought about by the proposed development and the Government should widen Fan Kam Road and its footpath, improve the drainage of the road surface and provide safety measures for pedestrians. Designing Hong Kong Ltd. pointed out that the scale of development might destroy the rural character of the area and would set a precedent which would further intensify the development pressure in the New Territories. The District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee and Residents' Representative of Lin Tong Mei raised objections to the application on the grounds of traffic, ecology and 'fung shui' while the concerned North District Council member had no comment; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. The application site was involved in seven previously approved applications for comprehensive residential development. Phase 1 of the proposed development was currently under construction while Phase 2 was yet to commence. Since the planning permissions of the latest approved applications had expired on 12.3.2011, the applicant submitted the current application to continue the implementation of the proposed development. The current submission was similar to the latest approved scheme (No. A/NE-KTS/90-4) with layout and development parameters for Phase 1 remained unchanged and only some minor changes, including the site area

of Phase 2 slightly enlarged and minor boundary adjustment to tally with the land grant, were proposed in Phase 2. Such minor changes for the Phase 2 development would unlikely have adverse impacts on the surrounding area. Concerned government departments, including Transport Department, Environmental Protection Department and Drainage Services Department, had no objection to or adverse comments on the application. Besides, the application site had been previously approved for comprehensive residential development with similar development layout and development parameters. There was no material change in planning circumstances or change in the land use of the surrounding area since the previous planning approval was granted. The technical concerns of the Director of Environmental Protection and CTP/UD&L of PlanD could be addressed by stipulation of approval conditions regarding the sewage connection/sewerage disposal facilities and the submission and implementation of landscape master plan. There were objections from the locals on the grounds of traffic, ecology and 'fung shui'. It should, however, be noted that concerned departments had no objection/adverse comments on the application, and 'fung shui' consideration was not a planning consideration. With respect to the local concerns that the access currently used by villagers was blocked by the proposed development under construction, as shown on the Master Layout Plan in the current application as well as the latest approved scheme, the applicant would realign the existing village track to provide access for the local villagers along the site boundary. Should the application be approved, the applicant would be advised to liaise with the local villagers to address their concerns.

62. Members had no question on the application.

Deliberation Session

63. 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 15.4.2015, and after the said date, the permission should cease to have

effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of a revised Master Layout Plan (MLP) to take into account the conditions (b), (d), (g), (i) and (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of vehicular ingress/egress points, parking spaces, and loading and unloading facilities to the satisfaction of the Commissioner for Transport or of the TPB;
- (c) the submission of revised traffic impact assessment to take into account the proposed Fan Kam Road Improvement Project and the junction capacity of Fan Kam Road/Castle Peak Road, and implementation of traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (d) the provision of the non-building area for the proposed Fan Kam Road Improvement Project and the provision of noise barrier along Fan Kam Road to the satisfaction of the Director of Highways or of the TPB;
- (e) the submission of revised drainage impact assessment and implementation of mitigation measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the design and implementation of sewerage disposal facilities/sewer connections to the application site to the satisfaction of the Director of Environmental Protection or of the TPB;
- (g) the provision of emergency vehicular access to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the

TPB;

- (i) the submission and implementation of landscape master plan including tree survey to the satisfaction of the Director of Planning or of the TPB; and
- (j) the submission of the implementation programme to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) to note the comments of the District Lands Officer/North that if planning permission was granted by the TPB for the Phase 2 site, the applicant had to apply to his office for an in-situ land exchange prior to any development on this Phase 2 site. However, there was no guarantee that the land exchange application would be approved by his office. So far, Lands Department had not received any such land exchange application;
- (c) to note the comments of the Director of Environmental Protection that the applicant should ensure the development to provide a new system to enable the sewage arising from the entire development including Phase 1 and Phase 2 to be connected to the public sewer as committed by the applicant;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that :
 - (i) the MLP indicated that Phase 1 and 2 sites had common access and internal road system. If the two sites were jointly developed, they might be considered as a single development under the Buildings

Ordinance (BO);

- (ii) if the two sites were treated as separate sites, each site should be demonstrated to be self-sustainable in respect of access, plot ratio, site coverage, open space, ...etc. under the BO. Transfer of plot ratio, site coverage, open space and exemptible recreational facilities between the two sites was not acceptable under the BO;
 - (iii) the village tracks along the lot boundary of Phase 1 site serving as the vehicular/pedestrian access of the nearby villagers within the site boundary and parts of the site area separated from the main portion of the site by the village tracks should be deducted from site area for the purpose of plot ratio and site coverage calculations under the Building (Planning) Regulation 23(2) (B(P)R23(2), and no building/structure should be erected in, over, under and upon the village tracks under section 31(1) of BO; and
 - (iv) any internal streets if required under section 16(1)(p) of the BO should be deducted from the site area for the purposes of site coverage and plot ratio calculations under B(P)R23(2);
- (e) to note the comments of the Director of Fire Services that :
- (i) emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
- (i) existing water mains at the northern side and south-western side of

the application site would be affected. For the northern side of the application site, a waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorise. If not, the developer should bear the cost of any necessary diversion works affected by the proposed development. For the south-western side of the application site, the applicant should adjust the site boundary to exclude the existing water main. If not, a waterworks reserve within 1.5m from the centerline of the water main should be provided to WSD or the developer should bear the cost of any necessary diversion works affected by the proposed development; and

- (ii) there were proposed works under contract '21/WSD/06 – Replacement and Rehabilitation of Water Mains, Stage 2 – Mains in Tai Po and Fanling' at the northern side of the application site. The works was anticipated to be completed in 2011; and

- (g) to liaise with the local villagers to address their concerns on the applied use.

[Mr. Timothy K.W. Ma left the meeting and Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

Agenda Item 12

Section 16 Application

[Open Meeting]

A/NE-LYT/437 Proposed 11 Houses
(New Territories Exempted Houses - Small Houses)
in “Agriculture” zone,
Lots 1749 S.L, S.M, S.N, S.O, S.P, S.Q, S.R, S.S., S.T, S.U, S.V,
S.W and R.P. (Part) in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/437)

65. The Committee noted that the applicant’s representative requested on 13.4.2011 for a deferment of the consideration of the application for one month in order to resolve the sewage connection problems.

66. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/355 Temporary Public Utility Installation (Telephone Exchange)
for a Period of 5 Years in “Agriculture” zone and an Area shown as
‘Road’, Government Land in D.D. 82, Ping Che Road, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/355)

Presentation and Question Sessions

67. Ms. Doris S.Y. Ting, STP/STN, reported that replacement page 11 of the Paper was tabled at the meeting for Members' reference. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public utility installation (telephone exchange) for a period of five years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received from a member of the general public during the statutory publication period which supported the application as it could benefit the concerned villagers. The District Officer (North) advised that the Residents Representative of Tai Po Tin supported the application while the Vice-Chairman of Ta Kwu Ling District Rural Committee and Indigenous Inhabitants Representative of Tai Po Tin had no comment; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary telephone exchange under application could be tolerated for a period of four years, instead of five years as proposed by the applicant, based on the assessment made in paragraph 10 of the Paper. The temporary telephone exchange was for the provision of telephone services for the Ta Kwu Ling area. The application site was the subject of four previous applications (No. A/NE-TKL/6, 173, 270 and 337) for the same use submitted by the same applicant. The current application was the same as the previous applications in terms of the applied use and development parameters. There had also been no material change in the planning circumstances for the application site and surrounding area and the approval of the subject application was in line with the Committee's

previous decision. Although the last approval under application No. A/NE-TKL/337 was revoked on 16.1.2011 due to non-compliance of approval conditions including the submission of drainage and fire service installations (FSIs) proposals, the applicant had submitted a drainage proposal and FSIs proposal for the current application. The use under application was small in scale and was considered not incompatible with the surrounding rural character. It would unlikely cause adverse impacts on the surrounding area and concerned government departments had no comment on or objection to the application. Nevertheless, the Project Manager/New Territories North and West of the Civil Engineering and Development Department advised that since the portion of Ping Che Road falling within the application site was subject to review of realignment under the North East New Territories New Development Areas (NDAs) Planning and Engineering Study, the effective period of permission for the application should be granted to a date not later than 2015. In this regard, a shorter approval period of four years until 15.4.2015 was suggested in order not to jeopardise the implementation of the NDAs project. Since the last approval (application No. A/NE-TKL/337) was revoked due to non-compliance with the approval conditions, shorter compliance periods were also proposed to monitor the progress of compliance.

68. Members had no question on the application.

Deliberation Session

69. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 4 years, instead of 5 years sought, until 15.4.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of drainage proposals within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2011;

- (b) in relation to (a) above, the implementation of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (c) the submission of proposals for fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.7.2011;
- (d) in relation to (c) above, the implementation of proposals for 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 15.10.2011;
- (e) the submission of landscape proposals together with the maintenance proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.7.2011;
- (f) in relation to (e) above, the implementation of landscape proposals together with the maintenance proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011; and
- (g) if any of the above planning conditions (a), (b), (c), (d), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) a shorter approval period of four years was granted in order not to affect the site formation works for the development of the New Development Areas (NDAs) which were tentatively scheduled to commence in 2016 subject to

review under the North East New Territories NDAs Planning and Engineering Study;

- (c) a shorter compliance period was granted so as to monitor the progress of compliance with approval conditions;
- (d) 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 Committee to any further application;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department to apply excavation permit from his department if any excavation works had to be carried out within the area under his department's jurisdiction and to make good any defects on the nearby public road if there was any defect due to his works;
- (f) to note the comments of the Director of Electrical and Mechanical Services as follows :

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

- (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (ii) the "Code of Practice on Working near Electricity Supply Lines"

established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;

(g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) regarding the submission of drainage proposal as follows :

- (i) the lot boundary should be indicated on the drainage plan;
- (ii) U-channel with grating cover should be constructed along the periphery of the site to intercept rain water falling onto the site. A catchpit should be provided at each interception point of the proposed surface channels to avoid spillage of the collected stormwater. Details of U-channel and catch pit should be presented. The applicant might consider making reference to Geotechnical Manual for Slopes;
- (iii) the applicant was reminded that all existing flow paths as well as the run-off falling onto and passing through the site should be intercepted and disposed of via proper discharge points. The applicant should also ensure that no works, including any site formation works, should be carried out as might adversely interfere with the free flow condition of the existing drain, channels and watercourses on or in the vicinity of the subject site any time during or after the works;
- (iv) the applicant was reminded that where walls were erected or kerbs were laid along the boundary of the same, peripheral channels should be provided on either side of the walls or kerbs with details to be agreed by DSD;
- (v) the proposed drainage works, whether within or outside the lot

boundary, should be constructed and maintained by the lot owner at their own expense. For works to be undertaken outside the lot boundary, the applicant should obtain prior consent and agreement from District Lands Officer/North and/or relevant private lot owners; and

- (vi) the applicant might wish to refer to “Technical Note to prepare a Drainage Submission relating to applications for temporary change such as temporary storage areas, car parks, workshops, small factories...etc. under S.16 of the Town Planning Ordinance” available from the DSD’s website (<http://www.dsd.gov.hk>) for guidance;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department as follows :
 - (i) unauthorised structures on the application site, which were liable to action under section 24 of the Buildings Ordinance (BO), should be removed;
 - (ii) the granting of this planning approval should not be construed as condoning to any unauthorised 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;
 - (iii) if containers were used as offices, they were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; and
 - (iv) formal submission of any proposed new works, including any temporary structure and any shelter for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined

under B(P)R 19(3) at building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;

- (i) to note the comments of the Director of Fire Services as follows :
 - (i) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
 - (ii) the applicant should provide a layout plan showing the locations of where the proposed fire service installations were to be installed. Moreover, fire extinguishers should be provided to each container, switch room and meter room;
- (j) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application site was located within the flood pumping gathering ground; and
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the vegetation in the planters were either dead or in poor condition and the vegetation should be replaced as soon as possible.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/356 Proposed 2 Houses
(New Territories Exempted Houses - Small Houses)
in "Agriculture" and "Village Type Development" zones,
Lot 689 S.C (Part) in D.D. 77, Ha Shan Kai Wat, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/356)

Presentation and Question Sessions

71. Ms. Doris S.Y. Ting, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed 2 houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site and its vicinity had high potential for agricultural rehabilitation;
- (d) two public comments were received during the statutory publication period. While a member of the general public indicated support to the application without giving any reason, the Hong Kong Bird Watching Society objected to application on the grounds that the application site was partly zoned “Agriculture”, the approval of the application would set a bad precedent, and a Common Kestrel (*Falco tinnunculus*) (紅隼) was found nearby. The District Officer (North) advised that the Vice-Chairman of Ta Kwu Ling District Rural Committee, Indigenous Inhabitants Representative and Residents Representative of Ha Shan Kai Wat had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment made in paragraph 11 of the Paper. According to the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria), planning permission was not required for the proposed Small House A under application as about 80.5% and 100% of its footprint fell within the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’). The proposed Small House B under application generally met the Interim

Criteria in that its footprint fell entirely within the 'VE' of Ha Shan Kai Wat and there was insufficient land to meet the Small House demand. Sympathetic consideration could be given to the application. The proposed development was not in line with the planning intention of the "Agriculture" ("AGR") zone and DAFC did not support the application. It was, however, noted that about 49.6% of the application site fell within the "V" zone and the remaining portion of the site abutted the north-eastern boundary of the "V" zone, and the footprints of the proposed two Small Houses fell entirely within the 'VE' of the same village. Besides, the proposed Small House development was also not incompatible with the adjacent rural environment. Although there was a public comment objecting to the application and pointed out that a Common Kestrel was found in the vicinity, it should be noted that the proposed Small House development was not considered incompatible with the adjacent rural environment and would not cause significant adverse impacts on the surrounding area, and concerned government departments had no comment on or no objection to the application. Besides, DAFC had advised that Common Kestrel was not listed as endangered under the International Union for Conservation of Nature Red List and this species was widely distributed in Hong Kong.

72. Members had no question on the application.

Deliberation Session

73. 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 15.4.2015, 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 drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB;

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

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (b) 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;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants 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 his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (d) to note the comments of the Commissioner for Transport that the village

road was not under the Transport Department's management. The land status of the village road (leading to the application site from a public road) should be checked with the lands authority. The management and maintenance responsibilities of the village road should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access leading from Ping Che Road to the application site was not under his department's jurisdiction; and
- (f) 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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/741 Shop and Services (Retail Shop)
in "Industrial" zone,
Workshop G3, LG/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/741)

Presentation and Question Sessions

75. Mr. Anthony K.O. Luk, STP/STN, 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 – concerned government departments had no objection to or adverse comments on the application;
- (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 planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning assessment criteria set out in the TPB Guidelines No. 25D. The shop and services (retail shop) under application, located at lower ground floor of an existing industrial building and accessible from Au Pui Wan Street, was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved for other units on the lower ground floor of the subject industrial building and its vicinity. The application generally complied with the TPB Guidelines No. 25D and relevant government departments had no objection to the application. Nevertheless, a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012; 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.

78. 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 Committee 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 jeopardised;
- (c) apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use and to note the comment that the existing use of the subject shop and services (retail shop) at the subject premises was not permitted under the lease;

- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) 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, floors and lobbies having a fire resisting period of not less than two hours;
- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion and fire service installations being provided to the satisfaction of Fire Services Department. Detailed fire service requirements would be formulated upon receipt of formal general building plan submission. Regarding matters in relation to fire resisting construction for the premises, the applicant was advised to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by BD; and
- (f) 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.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/742 Temporary Shop and Services (Money Exchange)
for a Period of 3 Years in “Industrial” zone,
Workshop B1 (Part), LG/F, Valiant Industrial Centre,
Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/742)

Presentation and Question Sessions

79. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (money exchange) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from the Incorporated Owners of Unison Industrial Centre was received during the statutory publication period. The commenter supported the application as it could provide money exchange service to meet the needs of the public; 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 planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, commercial uses in industrial buildings within the “I” zone might be permitted on application to the TPB based on individual merits and the planning assessment criteria set out in the TPB Guidelines No. 25D. The temporary shop and services (money exchange) under application, located at lower ground floor of an existing industrial building and accessible from Au Pui Wan Street, was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications had been approved for other units on the lower ground floor of the subject industrial building and its vicinity. The application generally complied with the TPB Guidelines No. 25D and relevant government departments had no objection to the application. A public comment which indicated support to the application was noted.

80. Members had no question on the application.

Deliberation Session

81. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012; 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.

82. 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) apply to the District Lands Officer/Shia Tin for a temporary waiver to permit the applied use and to note the comment that the existing use of the subject shop and services (money exchange) at the subject premises was not permitted under the lease;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) 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 and floors having a fire resisting period of not less than two hours;

- (d) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion and fire service installations being provided to the satisfaction of Fire Services Department. Detailed fire service requirements would be formulated upon receipt of formal general building plan submission. Regarding matters in relation to fire resisting construction for the premises, the applicant was advised to comply with the requirements as stipulated in the Code of Practice for Fire Resisting Construction which was administered by BD; and
- (e) 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.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/743 Proposed House (Private Garden Ancillary to House)
in “Green Belt” zone,
Government Land adjoining Lot 525 in D.D. 187 (Garden Villa),
Tai Po Road, Sha Tin
(RNTPC Paper No. A/ST/743)

Presentation and Question Sessions

83. Mr. Anthony K.O. Luk, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (private garden ancillary to house);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application on the grounds that there was a general presumption against development in “Green Belt” (“GB”) zone, incompatibility with the surrounding landscape character, and approval of the application would set an undesirable precedent;
- (d) two public comments from the Chairman of Sha Tin Rural Committee and Designing Hong Kong Ltd. were received during the statutory publication period. The commenters objected to the application for reasons that the subject site was zoned “GB” but no tree survey and tree preservation proposal had been submitted, there was a lack of sufficient information to support the application, and there was no planning gain in the proposed 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. There was a general presumption against development in “GB” zone and the conversion of the subject site into a private garden was not in line with its planning intention. No strong planning justifications had been provided in the submission for a departure from this planning intention. The proposed development did not comply with the TPB Guidelines No.10 as the development involved extensive clearance of natural vegetation affecting the existing natural landscape and CTP/UD&L of PlanD did not support the application. Besides, the applicant had submitted no assessment to show the possible impacts of the proposed development to the natural surroundings. Approval of the application would set an undesirable precedent for attracting similar applications from other houses and residential developments nearby having similar circumstances. The

planning permission No. A/ST/633 mentioned by the applicant was not a relevant precedent case as the application site for A/ST/633 was private land whilst the application site under the current application was government land. The applicant only argued that the private garden could put the land under proper management by him but it was not a valid planning reason to justify the use of the site as a private garden which constituted ancillary development to house use and was thus not in line with the planning intention of “GB” zone for the enjoyment of the public. It should be noted that the application site was government land and relevant government departments could put it under proper management. Moreover, there were two public comments objecting to the application.

84. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone and no strong planning justifications had been provided in the submission for a departure from this planning intention;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No.10 and that the development would have affected the natural landscape; and
- (c) approval of the subject application would set an undesirable precedent for other similar development proposals in the “GB” zone. The cumulative

effect of approving such proposals would result in a general degradation of the environment in the area.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/410 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Agriculture” zones,
Lots 231 S.G ss.1 and 231 S.G RP in D.D.8, Tai Mong Che Village,
Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/410A)

Presentation and Question Sessions

86. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation;
- (d) one public comment from an indigenous villager of Tai Yeung Che Village was received during the statutory publication period. The commenter objected to the application as the proposed house was outside the village ‘environs’ (‘VE’) of Tai Mong Che Village; 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 was within the upper indirect water gathering ground, the Chief Engineer/Project Management of Drainage Services Management advised that public sewers were planned in the vicinity under the Project 4332 DS, 'Lam Tsuen Valley Sewerage' and the proposed Small House might consider extending his sewer at his own expense via other private lots to the connection point at the east. The applicant had accordingly obtained the consent from owners of Lot 231 RP to permitting the sewerage connection for the proposed house passing through their lot and confirmed that the proposed house could be connected to the planned sewerage system. In this regard, both the Director of Environmental Protection and Chief Engineer/Development (2) of Water Supplies Department had no objection to the application. Although DAFC did not support the application from agricultural point of view, the current application was generally in line with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that the proposed Small House footprint was entirely within the 'VE', there was a general shortage of land in meeting the demand for Small House development, and the proposed Small House would be able to be connected to the planned sewerage system. As the surrounding area was mainly occupied by village houses and fallow agricultural land, the Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application. As a number of similar Small House developments had been approved by the Committee under s.16 application in the vicinity, the approval of the application was in line with the previous decisions of the Committee. Although there was a public comment against the application for reason that the site was outside the 'VE', it should be noted that the proposed Small House was in fact entirely fell within the 'VE' of Tai Mong Che Village.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the 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 occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

89. 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) 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) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in Appendix IV of the RNTPC Paper;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submissions to the District Lands Officer/Tai Po to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorised Persons (PNAP) APP56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should prevent existing trees located to the south of the site from disturbance during construction and make sure to keep the works boundary away from the drip-lines of these trees;
- (g) 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;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drainage system was available for connection in the vicinity of the application site and public sewerage system was not currently available for connection in the vicinity of the application site. For public stormwater drainage system, the applicant was required to provide surface channels along the perimeter of the application site to collect all runoff generated within 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 public sewerage system, the Director of Environmental Protection should be consulted on the requirements on sewage treatment and disposal aspect of the proposed development;

- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that applicant should provide mitigation measures at the applicant's own cost against any nuisance (such as noise, dust, etc.) from the public road as the application site was close to the Tai Yeung Che Road;
- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier was necessary;
- (k) to note the comments of DEMS that if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the application site; and to observe the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of electricity supply lines; and
- (l) to note that the permission was only given to the development under the 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 obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/415 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 1363 S.A in D.D.8, San Tong Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/415)

Presentation and Question Sessions

90. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (a) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (b) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as the application site was entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ (‘VE’). The Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application as the site had high potential for agricultural rehabilitation. Both the Director of Environmental Protection (DEP) and the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the application site was located within the water gathering ground (WGG) but no information was submitted by the applicant to indicate that the owners of the adjoining lots would provide an easement for a sewer connection of the proposed

Small House;

- (c) two public comments against the application were received during the statutory publication period. While Designing Hong Kong Ltd. objected to the application as the site fell within the “Agriculture” (“AGR”) zone without a sustainable village layout plan, there were many common species of birds nearby, and the proposed development would increase development pressure on the surrounding area, a group of villagers from San Tong Tsuen objected to the application for ‘fung shui’ reason; and

- (d) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The application site was located to the south of a “V” zone and fell within the “AGR” zone. DAFC did not support the application because the site has high potential of rehabilitation for agricultural activities and there was a public comment from Designing Hong Kong Ltd. sharing similar concern. Apart from the above, no strong justification had been submitted for a departure from the planning intention. The application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria) in that the footprint of the proposed Small House fell entirely outside “V” zone and ‘VE’ of any recognised villages, there was no shortage of land in meeting the demand for Small House development, and the proposed Small House would not be able to be connected to the planned public sewers. Relevant government departments, including DLO/TP, DEP and CE/Dev(2) of WSD, did not support the application. The application site was the subject of a previous application No. A/NE-LT/99 for Small House development submitted by the same applicant approved by the Committee on 5.9.1997 but its planning permission had been lapsed on 5.9.1999 and the application was made before the promulgation of the Interim Criteria. A similar application No. A/NE-LT/394 for Small House development at a site to the west of Chai Kek, which entirely fell outside the “V” zone and ‘VE’, was also with previous planning permission lapsed before the promulgation of the Interim Criteria. That application was also rejected by the TPB upon review on

31.7.2009 for reason that it did not comply with the Interim Criteria. As such, sympathetic consideration should not be given to the current application. There were public comments against the application raising concerns on the adverse impacts caused by the proposed development on the subject "AGR" zone.

91. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the "Agriculture" zone, which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that the footprint of the proposed Small House entirely fell outside the "Village Type Development" ("V") zone and the 'environs' of any recognised villages; there was no general shortage of land in meeting the demand for Small House development in the "V" zone of San Tong Tsuen and the proposed Small House would not be able to be connected to the planned public sewers; and
- (c) the proposed development fell within the water gathering grounds and was not able to be connected to the existing or planned sewerage system in the area. The applicant failed to demonstrate in the submission that the

proposed development would not have the potential to cause water pollution to the surrounding area.

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

Agenda Item 20

Section 16 Application

[Open Meeting]

A/NE-LT/416 Proposed Two Houses (New Territories Exempted Houses)
in “Agriculture” and “Village Type Development” zones
and an Area shown as ‘Road’, Lots 228, 230 and 231 in D.D.16
and adjoining Government Land, Lam Kam Road, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/416)

93. The Secretary reported that the applicant’s representative submitted on 8.4.2011 further information in support of the application. As further consultation with relevant government departments was required by the Planning Department (PlanD) to resolve major technical issues directly associated with the application, PlanD recommended to defer making a decision on the application in order to allow more time for awaiting departmental comments on the further information, which was essential for consideration of the application by the Committee. According to the TPB Guidelines No. 33 on ‘Deferment of Decisions on Representations, Comments, Further Representations and Applications’, the TPB might, upon consideration of the request for deferment or its own volition, decide to defer a decision on the application if information which was essential for the consideration of the submission by the TPB was not available but was required to be provided by the relevant parties or government departments; and further consultation with relevant government departments was required to resolve major technical issues directly associated with the case in question.

94. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee also agreed that the application should be submitted for its consideration as soon as possible.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/348 Proposed Public Utility Installation (Electricity Substation)
 in “Green Belt” zone,
 Lot 452 RP in D.D. 28, Tai Mei Tuk, Tai Po
 (RNTPC Paper No. A/NE-TK/348)

Presentation and Question Sessions

95. Ms. Lisa L.S. Cheng, STP/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 (electricity substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) three public comments against the application were received during the statutory publication period. Designing Hong Kong Ltd. objected to the application as the site was zoned “Green Belt” (“GB”) and the landscape proposal was not comprehensive to mitigate the adverse impacts and the commenter requested that strict monitoring and enforcement actions be taken to terminate the unauthorised development. The other two commenters, Kadoorie Farm and Botanic Garden and World Wide Fund for Nature Hong Kong, commented that the proposed development was not in line with the planning intention of “GB” zone and the mitigation measures proposed could not fully compensate nor restore the landscape; 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. While the entire lot area was about 703m², the proposed electricity substation (ESS) would only occupy an area of about 43.5m² at the southern edge of the lot. Existing trees within the northern portion of the site would be retained and protected on site while screen tree plantings would be provided at the eastern, southern and western portions of the site. The proposed ESS was required to provide electricity supply for new Small Houses in the nearby villages. It was considered not incompatible with the surrounding village and rural setting. Although the proposed development was not in line with the planning intention of the “GB” zone, the proposal would not involve clearance of existing trees and natural vegetation and affect the existing natural landscape. There were public comments raising concerns on the adverse impacts caused by the proposed development on the subject “GB” zone. In view of the small-scale of the proposed ESS, it would unlikely cause adverse impacts on the surrounding area and concerned government departments had no objection to or no adverse comment on the application.

96. A Member asked whether the proposed ESS would service the existing village houses. Ms. Lisa L.S. Cheng said that the proposed ESS was small with limited capacity and the applicant indicated that it would provide electricity supply for 33 new Small Houses.

Deliberation Session

97. 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 15.4.2015, 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 proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage facilities 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.

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

- (a) apply to the District Lands Officer/Tai Po for short term waiver and excavation permit. The applicant had to make his own arrangement for the access to the site;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain 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 on 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. There was no existing public sewerage in the vicinity of the site currently. Nevertheless, the proposed public sewerage system in the vicinity of the site would be implemented under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project and the sewerage works, about 100m away from the site, were tentatively scheduled for completion in 2012/13. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (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;

- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (e) to note the comments of the Director of Health that according to the World Health Organisation (WHO), compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (f) upon commissioning of the electricity substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services (DEMS); and
- (g) to note the comments of the DEMS that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and

Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;

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

[Mr. Walter K.L. Chan left the meeting temporarily at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/349 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lots 646 S.K and 652 S.C in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/349)

Presentation and Question Sessions

99. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there were signs of extensive recent site formation and vegetation clearance taken place since 2004 and resulted in adverse landscape impacts, and approval of the application would encourage more Small House developments beyond the “Village Type Development” (“V”) zone boundary;
- (d) three public comments against the application were received during the statutory publication period. Designing Hong Kong Ltd., Kadoorie Farm and Botanic Garden and Hong Kong Bird Watching Society objected to the application on the grounds that the site was zoned “Agriculture”, there was no sustainable village layout plan for the area, no sufficient information was provided to address the concern on sewerage connection, approval of the application would set a bad precedent and encourage the “destroy first, development later” approach; 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 site was located within the lower indirect water gathering ground (WGG), both the Director of Environmental Protection and Chief Engineer/Development (2) of Water Supplies Department (CE/Dev(2), WSD) had no objection to the application on condition that the proposed Small House could be connected to the planned public sewerage system. Drainage Services Department also advised that the proposed trunk sewer system had adequate capacity to cater for the sewage to be conveyed from the proposed Small House. The proposed Small House was complied with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ (the Interim Criteria) in that more than 50% of

its footprint fell entirely within the village 'environs' ('VE'), there was a general shortage of land for Small House development in the "V" zone, and the proposed Small House was located within the WGG but could be connected to the planned sewerage system. The CTP/UD&L of PlanD objected to the application from landscape planning point of view and there were public comments against the application on conservation and environmental grounds and DAFC did not support the application from agricultural point of view. However, sympathetic consideration might be given to the application as the site was currently vacant with no significant vegetation, the proposed Small House could be connected to the planned sewerage system and a similar application (No. A/NE-TK/305) to the immediate north of the site with the same site circumstances was approved by Committee on 11.6.2010. Other relevant government departments consulted generally had no objection to the application. Nevertheless, to address the landscape concerns, an approval condition on the submission and implementation of landscape proposal was recommended.

100. Members had no question on the application.

Deliberation Session

101. 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 15.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage 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 occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

102. 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 system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Village Sewerage of Unsewered Areas Stage 1 Phase 2C” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the public sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain 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. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed village sewerage works under the “Tolo Harbour Village Sewerage of Unsewered Areas Stage 1 Phase 2C” project was completed in 2012/3. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the whole of foul effluent should be conveyed through cast iron pipes with sealed joints and hatch boxes. Since the proposed New Territories Exempted House/Small House itself was less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible. 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;
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the District Lands Officer/Tai Po and/or the Building Authority for approval in accordance with the provisions of the Buildings Ordinance;
- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site was close to the adjoining Shan Liu Road, the applicant was reminded to provide mitigation measures at his

own cost against any nuisance (e.g. noise, dust, etc.) from the road; and

- (i) 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 obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/350 Proposed House (New Territories Exempted House - Small House)
 in “Agriculture” zone,
 Lot 605 S.B (Part) in D.D. 15, Shan Liu Village, Tai Po
 (RNTPC Paper No. A/NE-TK/350)

Presentation and Question Sessions

103. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as there were signs of extensive recent site

formation and vegetation clearance taken place since 2004 and resulted in adverse landscape impacts, and approval of the application would encourage more Small House developments beyond the “Village Type Development” zone boundary;

- (d) four public comments against the application were received during the statutory publication period. Designing Hong Kong Ltd., Hong Kong Bird Watching Society, Kadoorie Farm and Botanic Garden and World Wide Fund for Nature Hong Kong objected to the application mainly on the grounds that the site was zoned “Agriculture”, there was the lack of a sustainable village layout plan for the area, the proposed development would cause significant impact on the water quality of the stream and water catchment of Shan Liu, approval of the application would set a bad precedent and encourage the “destroy first, development later” approach, and a rare Siberian Blue Robin (藍歌鵲) was recorded in November 2010 in the vicinity; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The site was located within the upper indirect water gathering ground (WGG) and the proposed house was located about 40m away from the nearest trunk sewer. However, since the site was located on a sloping terrain at a level below the planned trunk sewer and to the immediate west of a site under application No. A/NE-TK/301, it was likely that the proposed house had to be constructed on a raised platform or undertook site formation works in order to overcome the level difference between the proposed house and the trunk sewer. In this regard, there was concern that the design, scale and height of the proposed Small House and the associated building works would have adverse visual impact and was incompatible with the rural character of the surrounding area. Without any details on the scale and scope of the associated building works or site formation works involved to demonstrate that the proposed development would not cause adverse visual and landscape impacts on the surrounding area, the application was not supported. CTP/UD&L of PlanD, for this

reason, did not support the application and DAFC also did not support the application on agricultural ground. In view of the above, although the site was entirely within the village 'environs', there was a general shortage of land for Small House development, and the proposed Small House located within the WGG could be connected to the planned sewerage system, the proposed Small House development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories'. Besides, there were public comments against the application raising concerns on the adverse environmental, ecological, landscape and water quality impacts caused by the proposed development.

104. Members had no question on the application.

Deliberation Session

105. In response to the Chairman's enquiry, Ms. Lisa L.S. Cheng referred to the site photograph in Plan A-3 of the Paper and explained that the site was located on a sloping terrain at a level below the planned trunk sewer. It was likely that the proposed house, if approved, had to be constructed on a raised platform in order to overcome the level difference problem with the trunk sewer. The application was not supported because there were no details on the scale and scope of the associated building works or site formation works involved in the proposed development to demonstrate that it would not result in adverse visual and landscape impacts on the surrounding area.

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

- (a) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that the applicant failed to demonstrate that the proposed development would be compatible in terms of scale, design and height with the surrounding area and would not cause adverse visual and landscape impacts on the surrounding area; and

- (b) the approval of the application would set an undesirable precedent for similar applications within the “Agriculture” zone. The cumulative effect of approving such application would result in adverse impact on the rural environment and landscape quality in the area.

[Mr. Simon K.M. Yu left the meeting temporarily and Mr. Walter K.L. Chan returned to join the meeting at this point.]

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/351 Proposed House (New Territories Exempted House - Small House)
in “Village Type Development” and “Green Belt” zones,
Lot 625 S.B ss.2 in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/351)

Presentation and Question Sessions

107. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po);

and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. Although the site was located within the upper indirect water gathering ground (WGG), both the Director of Environmental Protection and Director of Water Supplies had no objection to the application as the proposed Small House could be connected to the planned public sewerage system. The Director of Drainage Services also advised that the proposed trunk sewer system had adequate capacity to cater for the sewage to be conveyed from the proposed Small House. The proposed Small House development was complied with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that more than 50% of the footprint of the proposed Small House fell entirely within the "Village Type Development" zone/the village 'environs', there was a general shortage of land for Small House development and the proposed Small House located within the WGG could be connected to the planned sewerage system.

108. Members had no question on the application.

Deliberation Session

109. 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 15.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage 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 occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.

110. 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 system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Village Sewerage of Unsewered Areas Stage 1 Phase 2C” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the public sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain 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. There was no existing public sewerage in the vicinity of the site. Nevertheless, sewerage connection might be available when the proposed village sewerage works under the “Tolo Harbour Village Sewerage of Unsewered Areas Stage 1 Phase 2C” project was completed in 2012/3. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the whole of foul effluent should be conveyed through cast iron pipes with sealed joints and hatch boxes. Since the proposed New Territories Exempted House (NTEH)/Small House itself was less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible. The applicant should submit an executed Deed of Grant of Easement for private lot no. 625RP in D.D. 15 through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewer pipes from the proposed NTEH/Small House to the planned sewerage system via the said lot. 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;
- (g) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that there were two

registered slope features No. 3SE-C/C186 and 3SE-C/DT40 located adjacent to the site and the area in the vicinity had been substantially modified by unauthorised site formation works. The applicant was reminded to make necessary submission to the District Lands Officer and/or the Building Authority for approval in accordance with the provisions of the Buildings Ordinance;

- (h) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site was close to the adjoining Shan Liu Road, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the road; and
- (i) 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 obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/352 Proposed Two Houses
 (New Territories Exempted Houses - Small Houses)
 in “Green Belt” zone,
 Lots 297 S.A ss.1 and ss.6 in D.D. 26, Shuen Wan Chim Uk, Tai Po
 (RNTPC Paper No. A/NE-TK/352)

Presentation and Question Sessions

111. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses (NTEHs) - Small Houses);
- (c) departmental comments – the District Lands Officer/Tai Po (DLO/TP) did not support the application as the site fell outside the village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone;

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

- (d) 37 public comments against the application were received during the statutory publication period. The commenters, including Designing Hong Kong Ltd., the Chairman of Owners’ Committee of Treasure Sport Garden representing 18 flat owners, the nearby residents and some individuals, objected to the application mainly on the grounds that the site fell within the “Green Belt” (“GB”) zone without a sustainable village layout plan, the adverse traffic and environmental impacts on the area, and the proposed development would set an undesirable precedent for other similar applications; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessment made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within this zone. Although there was a general shortage of land for Small House development in Shuen Wan Sha Lan, Chan Uk, Lei Uk and Chim Uk, the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ as more than 50% of the footprint of the proposed Small House fell outside the “V” zone and ‘VE’ of any recognised villages. In this regard, the DLO/TP did not support the application. As no similar planning application for Small House development outside the “V” zone or ‘VE’ had

been approved in the vicinity, approval of the current application would set an undesirable precedent for other similar applications in the area. Since 2003, the Committee or the TPB on review had rejected five previous planning applications (No. A/NE-TK/161, 162, 214, 216 and 333) and two previous rezoning applications (No. Y/NE-TK/8 and Z/NE-TK/10) for development of Small Houses at the subject site. There was no change in planning circumstances to merit a departure from the Committee/TPB's decisions on the previous applications. Besides, there were public comments against the application raising concerns on the adverse impacts of the proposed development on the subject "GB" zone.

112. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the "Green Belt" zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' as more than 50% of the footprints of the proposed Small Houses were outside the "Village Type Development" zone and the 'environs' of any recognised villages; and
- (c) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/487 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Government Land in D.D. 26, Ha Tei Ha Village, Shuen Wan, Tai Po
(RNTPC Paper No. A/TP/487)

Presentation and Question Sessions

114. Ms. Lisa L.S. Cheng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) concerned that the application, if approved, would set an undesirable precedent for similar Small House application in the “Green Belt” (“GB”) zone and result in urban sprawl and degradation of landscape quality of the surrounding area;
- (d) two public comments were received during the statutory publication period. Hong Kong Bird Watching Society objected to the application for reasons that it was not in line with the planning intention of the “GB” zone, the close proximity of the site to Shuen Wan freshwater marches, and Crested Serpent Eagles, an uncommon specie in Hong Kong, were found near the site. Designing Hong Kong Ltd. objected to the application as they concerned that the proposed development would have adverse impacts to the “GB” zone without a sustainable layout; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper. The proposed Small House development met the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' (the Interim Criteria) in that the proposed Small House footprint entirely fell within the village 'environs' ('VE') and there was a general shortage of land for Small House development in the "Village Type Development" zone. In this regard, the District Lands Officer/Tai Po had no objection to the application. Although CTP/UD&L of PlanD was concerned that approval of the application would set an undesirable precedent, it was also pointed out that the proposed Small House was unlikely to have significant adverse impact on the existing landscape resources within the application site as it was currently vacant with no significant vegetation. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department advised that the applicant would be required to undertake a natural terrain hazard study and to provide suitable mitigation measures as found necessary. In this regard, an approval condition on the submission of natural terrain hazard study and implementation of the associated mitigation measures was recommended. Other relevant government departments had no adverse comment on or objection to the application. There were existing village houses located to the south of the application site. A similar application No. A/TP/269 for two NTEHs (Small Houses) in the same "GB" in the vicinity of the site was approved by the Committee in May 2001 on the grounds that the proposed houses mainly involved redevelopment of the old ancestral houses into 2 NTEHs; the proposed houses would not have any significant adverse impacts on the surrounding area; and relevant government departments had no adverse comments on the applications. As the proposed Small House under application was considered not incompatible with the surrounding rural environment, the current application might warrant sympathetic consideration. Regarding the public comments on the adverse impacts of the proposed development on the "GB" area and the nearby woodland and marches, the Director of Agriculture, Fisheries and Conservation had been consulted and had no

comment on the public comment. Considering that the application met the Interim Criteria and no significant landscape impact was anticipated, it was considered that sympathetic consideration might be given to the application.

115. Members had no question on the application.

Deliberation Session

116. Mr. Ambrose S.Y. Cheong suggested amending advisory clause (b) to reflect that the existing village access was not managed by the Transport Department. Members agreed.

117. 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 15.4.2015, 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 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the submission of a natural terrain hazard study and the implementation of the mitigation measures identified therein to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po that if and after

planning approval had been given by the TPB, his office would process the Small House application. If the Small House application was approved by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion, such approval would be subject to the terms and conditions as imposed by LandsD;

- (b) to note the comments of the Commissioner for Transport that the existing village access was not managed by the Transport Department and the status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbing the trees nearby;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that there was no public drain maintained by DSD in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding area. The applicant was 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;
- (e) to note the comments of CE/MN, DSD that there was no existing public sewerage in the vicinity of the site. Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the subject development;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) that an existing 25mm diameter

water main as shown in the enclosed sketch would be affected. It needed to be diverted to vacant the site for Small House. The cost of the diversion works should be borne by the applicant.

- (g) to note the comments of CE/Dev(2), WSD that the water mains in the vicinity of the site could not provide the standard pedestal hydrant.
- (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 LandsD;
- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that the applicant should submit a Geotechnical Planning Review Report (GPRR) to assess the natural terrain hazard of the proposed development as addressed in the GEO Advice Note, which set out the essential contents of a GPRR. Depending on the findings of the GPRR, a Natural Terrain Hazard Study and mitigation measures found necessary might have to be undertaken as part of the proposed development;
- (j) to note the comments of H(GEO), CEDD that the applicant should make necessary submission to the District Lands Officer/Tai Po to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorised Persons APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (k) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access adjacent to the subject site was not maintained by HyD; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition

of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (ii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/488 Proposed Utility Installation for Private Project
(Electricity Package Substation)
in “Village Type Development” zone,
Lots 186 R.P. (Part), 187 S.D (Part) and 203 S.B in D.D. 12,
Ha Hang, Tai Po
(RNTPC Paper No. A/TP/488)

Presentation and Question Sessions

119. Ms. Lisa L.S. Cheng, STP/STN, reported that replacement page 9 of the Paper was tabled at the meeting for Members’ reference. She then presented the application and

covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 10 of the Paper. The proposed utility installation was a mini-type transformer required for providing power supply to the nearby Small House developments within the subject “Village Type Development” zone. The proposed electricity package substation had a land take of only about 12m² and a height of about 3m. The Director of Electrical and Mechanical Services had no objection to the application. The proposed development was considered not incompatible with the surrounding village and rural setting. In view of the small scale of the proposed development, it was unlikely that the proposed substation would have adverse impact on the surrounding landscape. The Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application and considered the landscape proposal submitted by the applicant acceptable. Other government departments consulted had no adverse comment on or no objection to the application.

120. Members had no question on the application.

Deliberation Session

121. 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 15.4.2015, 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 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the implementation of landscape proposal 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) to note the comments of the District Lands Officer/Tai Po that the applicant had to apply to his office for necessary approval by way of a Short Term Waiver for the construction of the installation concerned. There was no guarantee that such approval would eventually be given. If approved, Lands Department (LandsD) acting in the capacity as landlords at their discretion, such approval might be subject to such terms and conditions, including payment of fee/rental, as imposed by LandsD. The applicant had to make his own arrangement for the access;
- (b) to note the comments of the Commissioner for Transport that the emergency vehicular access (EVA) was not under the Transport Department's management. The land status of the EVA should be checked with the lands authority. The management and maintenance responsibilities of the EVA should be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of the Director of Health that according to the World Health Organisation (WHO), compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submissions to the Buildings Department (BD) in accordance with the provisions of the Buildings Ordinance (BO);
- (e) to note the comments of the Chief Building Surveyor/New Territories West, BD that if the site did not abut a specified street of width not less than 4.5m, the development intensity would be determined by the Building Authority under Building (Planning) Regulations (B(P)R) 19(3). Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of the emergency vehicular access to the proposed development. The substation should be separated from the adjoining buildings and the adjoining lots by fire resisting construction in accordance with the FRC Code. Formal submission of any proposed new building works for approval under BO was required;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there were public drains maintained by DSD in the vicinity of the site (about 40m). The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding area. The applicant was 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. No public sewerage connection was available to the subject site currently;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that 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;

- (h) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the package transformer construction was to provide electricity supply to the nearby customers as the subject location, the associated electricity demand should be provided by the nearby substation as far as possible. The applicant should observe and follow:
 - (i) prior to establishing any structure within the application site, the applicant should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and

 - (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (i) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by DEMS.

Agenda Item 28

Section 16 Application

[Open Meeting]

A/TP/491 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Lot 311 RP in D.D. 14, Tung Tsz, Tai Po
(RNTPC Paper No. A/TP/491)

123. The Secretary reported that the application site was located with the “Green Belt” (GB”) zone on the western side of Tung Tsz Road. The TPB had in the past considered Tung Tsz Road as a physical boundary to confine village expansion on the eastern side of the road and rejected all planning applications for Small Houses on the western side of the road. On 11.9.2009, the TPB approved on review an application No. A/TP/417, which was located within the same “GB” zone on the western side of Tung Tsz Road, based on special consideration that the applicant had lived on the site for a long time, more than 50% of the application site was within the village ‘environs’, and there was insufficient land in the “Village Type Development” zone to meet the Small House demand. During the consideration of this application, the TPB requested the Planning Department (PlanD) to review whether the subject “GB” zone was still appropriate for the area.

124. The Secretary went on to explain that it might be inappropriate for the TPB to consider the subject application before the completion of the review of the “GB” zoning on the western side of Tung Tsz Road. PlanD therefore recommended to defer making a decision on the application in order to allow more time to undertake the review and consult relevant government departments. According to the TPB Guidelines No. 33 on ‘Deferment of Decisions on Representations, Comments, Further Representations and Applications’, a decision on a planning application might be deferred on reasonable grounds as the TPB thought fit.

125. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee also agreed that the application should be submitted for its consideration as soon as possible upon completion of the zoning review.

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/492 Proposed Public Utility Installation (Electricity Package Substation)
in “Village Type Development” zone,
Government Land in D.D. 36, Cheung Shue Tan Village, Tai Po
(RNTPC Paper No. A/TP/492)

126. The Secretary reported that the TPB Secretariat had received a petition letter against the application before the meeting. The letter was submitted by 大埔樟樹灘村居民關注組 which considered that the proposed electricity package substation was too close to the residential developments nearby and might affect their health, and there was insufficient public consultation regarding the proposed development. The letter was tabled at the meeting for Members’ information

Presentation and Question Sessions

127. Ms. Lisa L.S. Cheng, STP/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 (electricity package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comments from the residents of Cheung Shue Tan Village and Wong Nai Fai Village were received during the statutory publication period objecting to the application. The commenters raised concerns that the proposed substation was in close proximity to the residential development

and there would be possible adverse impacts on the health of the nearby residents. One of the public comments also stated that a footpath should be built linking the new car park with Cheung Shue Tan Village and Wong Nai Fai Village; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessment made in paragraph 10 of the Paper. The proposed electricity package substation had a land take of about 12m² only and was required for providing power supply to the nearby Small House developments in the vicinity. It was not incompatible with the area which was dominated by village houses. In view of the small scale of the proposed electricity package substation, it would unlikely cause adverse impacts on the surrounding area. Government departments consulted, including the Director of Electrical and Mechanical Services, had no objection to/adverse comment on the application. Moreover, as the proposed substation would fully occupy the subject site leaving no space for screen planting and an amenity area adjoining the site would be provided under Civil Engineering and Development Department's Contract No. TP/2007/02, the Chief Town Planner/Urban Design and Landscape of PlanD advised that the approval condition of landscape proposal was not necessary. As regards the health concern raised by the commenters, the Director of Health advised that according to the World Health Organisation, compliance with the relevant the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. Nevertheless, an advisory clause was recommended to ensure that actual compliance with ICNIRP guidelines would be verified upon commissioning of the facility.

128. Members had no question on the application.

Deliberation Session

129. 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 15.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) 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 (BD), and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (b) to note the comments of the District Lands Officer/Tai Po that the applicant should apply to his office for approval of the construction of the package substation under the mechanism of Block Licence that covers site within 12m²;
- (c) to note the comments of the Director of Health that according to the World Health Organisation (WHO), compliance with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities;
- (d) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct

on-site measurements and submit the report for consideration by the Director of Electrical and Mechanical Services;

- (e) to note the comments of the Commissioner for Transport that the location of entrance for the electricity package substation should not obstruct the pedestrian passage of the car park; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD that in case of change in land status to which Buildings Ordinance (BO) applies, formal submission of the proposed new works, including any temporary structure for approval under BO was required. If the site did not abut a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development.

[The Chairman thanked Mr. W.K. Hui, DPO/STN, Ms. Doris S.Y. Ting, Ms. Lisa L.S. Cheng and Mr. Anthony K.O. Luk, STPs/STN, for their attendance to answer Members' enquires. Mr. Hui, Ms. Ting, Ms. Cheng and Mr. Luk left the meeting at this point.]

[Mr. Ambrose S.Y. Cheong left the meeting temporarily at this point.]

Tuen Mun and Yuen Long District

[Ms. S.H. Lam, Mr. Ernest C.M. Fung 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/342 Proposed Utility Installation for Private Project
(Electricity Package Substation) and Excavation of Land
in “Village Type Development” zone,
Lot 98 (Part) in D.D. 122, off Yung Yuen Road, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/342)

Presentation and Question Sessions

131. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (electricity package substation) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period, which ended on 22.2.2011. On 4.3.2011, the further information was published for public inspection. During the first three weeks of the public inspection period, which ended on 25.3.2011, two public comments were received. One of the commenters submitting two letters objecting the application without stating any grounds. The other commenter objected to the application as he considered that the development would encroach into his farm locating at Lots 88S.A, 88S.B, 88S.C RP, 88RP to 90S.G and 90S.F, and illegal occupation, clearing of land and dumping were found in part of the lots since about two years ago; 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 package substation was an essential facility required for the provision of electricity supply to the proposed Small Houses development in the locality and the future Small Houses within the “Village Type Development” (“V”) zone. In view of the nature and scale of the development, it was compatible with the surrounding area which was rural in character with predominately vacant land intermixed with residential dwellings in temporary structures. The proposed electricity package substation was also considered not out of scale with the existing and future village type developments in the “V” zone. The proposed excavation of land of 1.3m in depth to accommodate cable trenches would not affect any existing trees or other landscape resources. It was expected that the proposed development and the associated excavation of land would not cause significant adverse impacts on the surrounding area and in this connection, concerned government departments had no adverse comments on or objection to the application. There were two objections against the application. While one of the commenters had not stated the grounds of his objection, the other commenter considered that the development would encroach onto his farm. However, it was noted that the lots mentioned did not fall within nor adjoin the application site.

132. Members had no question on the application.

Deliberation Session

133. 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 15.4.2015, 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 water supplies for fire fighting and fire service installations proposal to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that no approval had been given for the proposed structure for electricity package substation. Access of the site was opened to Yung Yuen Road. His office provided no maintenance works to the track nor guarantees right-of-way. The lot owner would need to apply to his office to permit structures to be erected or regularise any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions including among others the payment of premium or fee, as might be imposed by LandsD. Should excavation of land be outside the site, the applicant should obtain permission from the concerned lot owners/the Government before commencement of work;
- (b) to note the comments of the Director of Environmental Protection that the applicant should take appropriate measures to avoid noise nuisance arising, such as locating openings of the proposed electricity substation away from sensitive receivers;
- (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 (HyD) that HyD did not maintain the existing Yung

Yuen Road and the applicant should be responsible for his own access arrangement;

- (e) to note the comments of the Chief Engineer/Railway Development Office, HyD that as the location of the substation fell within the Railway Protection Boundary of West Rail, the applicant should submit the detailed proposal to his office and the Railway Protection Unit of MTR after obtaining the planning approval;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should note that the installation should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches, etc.;
- (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 and referral from relevant licensing authority. Emergency vehicular access (EVA) in the site should comply with the standard as stipulated in Part VI of the Code Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Attention should also be drawn to the requirements on provision of EVA to all building under B(P)R 41D on resisting

construction under Building (Construction) Regulation 90;

- (j) to note the comments of the Director of Electrical and Mechanical Services (DEMS) that the applicant should approach the electricity supplier to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within/or in the vicinity of the site, the applicant should carry out the following measures: for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary; prior to establishing any structure within the site, liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the Director of Health that according to the World Health Organisation (WHO), compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines should not pose any significant adverse effects to workers and the public from exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities; and
- (l) upon commissioning of the electricity package substation, the applicant should verify the actual compliance with the ICNIRP guidelines with direct on-site measurements and submit the report for consideration by DEMS.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL/176 Temporary Eating Place (Outdoor Barbecue Area)
for a Period of 3 Years in “Village Type Development” zone,
Lots 236 RP (Part), 237 RP (Part) and 238 RP (Part) in D.D. 115
and Adjoining Government Land, Ying Lung Wai, Yuen Long Town
(RNTPC Paper No. A/YL/176)

Presentation and Question Sessions

135. Ms. S.H. Lam, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary eating place (outdoor barbecue area) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application in the light of nuisances caused by the existing operation, which involved the use of barbecue stoves, human chatting, shouting and the use of amplification system. He also advised that a total of 17 environmental complaints against the application site were received between 2008 and 2010. The Commissioner of Police (C of P) objected to the application as noise nuisance complaints were frequently raised by the nearby residents. The Director of Food and Environmental Hygiene advised that the complaint and enforcement statistics on the existing site were 30 and 5 (for unlicensed Fresh Provision Shop) in the past three years;

[Mr. Ambrose S.Y. Cheong returned to join the meeting at this point.]

- (d) 305 public comments against the application were received during the statutory publication period. The commenters, from three Yuen Long District Council (YLDC) members, the Yuen Long Residents Service Association (YL RSA), the Village Representative of (VR) Tsoi Uk Tsuen, a group of nearby residents, the Incorporated Owners of Sun Yuen Long Centre (SYLC) and 298 residents of SYLC, objected to the application mainly on the grounds that the existing barbecue operation had generated noise and odour nuisances and posed adverse drainage, traffic and 'fung shui' impacts, fire risk and public order problems. The District Officer (Yuen Long) advised that the Yuen Long Town Area Committee at its meeting on 14.1.2011 unanimously agreed that the application should be rejected; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessment made in paragraph 11 of the Paper. The applied use was not in line with the planning intention of the "Village Type Development" ("V") zone and no strong justifications had been provided by the applicant to deviate from the planning intention, even on a temporary basis. The current application was basically the same as the previous application (No. A/YL/143) rejected by the Committee on 22.6.2007. The applicant had not provided new information in the current application to address various concerns including environment, drainage and public hygiene raised in the previous application. There was no change in the planning circumstances since the consideration of the previous application by the Committee in 2007. In view of the scale and nature of the current operation, the barbecue use was considered not compatible with the village setting of the surrounding area, and the unauthorised structures on site would be subject to enforcement action by relevant departments. The application was not in line with the TPB Guidelines No. 15A in that DEP did not support the application in view of the close proximity of the site to the dwellings to the north and 17 environmental complaints were received in the past three years. Besides, there were also complaints to other government departments, including the District Lands Office/Yuen Long, Food and Environmental Hygiene

Department, C of P and PlanD, mainly on environmental and hygienic aspects. C of P did not support the application in view of the frequent noise nuisance complaints. The Chief Engineer/Mainland North of Drainage Services Department commented that a drainage proposal was required but no information was submitted to demonstrate that the development would have no adverse drainage impacts on the surrounding area. The Commissioner for Transport requested that adequate visitor parking spaces should be provided within the site but no parking space was proposed within the site though the applicant indicated that car parks were provided to the east and west of the site. The approval of the application would set an undesirable precedent and result in the reduction in land for Small House development. There were 305 public comments objecting to the application from three YLDC members, YLRSA, the VR of Tsoi Uk Tsuen, a group of nearby residents, the Incorporated Owners and residents of SYLC during the statutory publication period.

[Ms. Anna S.Y. Kwong left the meeting temporarily at this point.]

136. In response to a Member's enquiry, Ms. S.H. Lam said that as the application site had not been covered by any DPA Plan, the Planning Authority did not have enforcement power against an unauthorised development. Since the owner had submitted planning application, the District Lands Officer/Yuen Long (DLO/YL) advised that lease enforcement action against the illegal structures erected on the lots was held in abeyance. Nevertheless, DLO/YL would resume the enforcement action should the planning application be rejected by the TPB.

Deliberation Session

137. A Member was sympathetic to the application taking into consideration that the temporary barbecue use did not contravene the planning intention of the subject "V" zone, the subject lots were privately held and the barbecue area had been there for a long time. That Member asked if the application should be rejected because of the large number of local objections/comments received.

138. The Chairman said that the Committee would consider all relevant factors, including public comments in deciding an application. In respect of the public comments received, it was not the number but the substance of the public comments that Members would need to take into account before making a decision. For the current application, it was noted in the public comments that there were concerns on noise, wastewater, air and odour problem generated by the barbecuing activity at the site.

139. A Member noted that a total of 17 complaints regarding environmental nuisance against the applied use had been received by the Environmental Protection Department (EPD) between 2008 and 2010 and enquired whether any follow-up action had been undertaken. The Secretary replied that there was no information on whether action had been taken by EPD. However, the number of complaints received by EPD indicated that the temporary barbecue area had caused environmental nuisances to the residents nearby.

140. Another Member considered similar temporary barbecue areas were quite commonly found elsewhere in the New Territories and they were normally not welcomed by residents in the immediate surroundings. If the application was not allowed, the barbecue area would simply move to another area. However, considering that no submission had been made in the current application to mitigate the adverse impacts on the surrounding area, the close proximity of the application site to the residents nearby, and the number of environmental nuisance complaints received by concerned government departments, that Member opined that this application should be rejected. The view was generally shared by other Members.

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

- (a) the development was not in line with the planning intention of the “Village Type Development” (“V”) zone which was to reflect existing recognised and other villages, and to provide land considered suitable for village expansion. Land within “V” zone was primarily intended for development of Small Houses by indigenous villagers. There was no strong planning justification in the submission for a departure from such

planning intention, even on a temporary basis;

- (b) the scale and nature of the development was not compatible with the residential dwellings in the vicinity;
- (c) the applicant failed to demonstrate that the development would not have adverse environmental, drainage and traffic impacts on the surrounding area. In this regard, the development could not fulfil the main planning criteria of the Town Planning Board Guidelines No. 15A, specifically, the development should not create any environmental nuisances or cause inconvenience to the residents nearby and it should not have adverse impacts on the drainage and traffic aspects; and
- (d) the approval of this planning application would set an undesirable precedent for other similar applications in the “V” zone. The cumulative effects of approving these applications would result in a degradation of the environment of the surrounding area.

Agenda Item 32

Section 16 Application

[Open Meeting]

A/TM-LTY Y/212 Proposed Flat, Shop and Services and
Minor Relaxation of Building Height Restriction
in “Commercial” zone,
Lots 531 RP, 532 S.D RP and 532 RP in D.D. 130 and
Adjoining Government Land, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/212)

142. The Secretary reported that Dr. James C.W. Lau, having current business dealings with Ho Tin & Associates Consulting Engineers Ltd., and Ms. Anna S.Y. Kwong, having current business dealings with Environ Hong Kong Ltd., had declared interests in this application as they were the consultants for the applicant. The Committee noted that Dr.

Lau had already left the meeting while Ms. Kwong had left the meeting temporarily.

143. The Committee noted that the applicant's representative requested on 1.4.2011 and 6.4.2011 respectively for a deferment of the consideration of the application until the meeting on 17.6.2011 (about two months time from this meeting) in order to allow time to respond to departmental comments on the application.

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

A/YL-MP/185 Proposed Comprehensive Development to include Wetland Restoration Area in "Other Specified Uses" annotated "Comprehensive Development to include Wetland Restoration Area" zone, Lots 43 S.A RP (Part) and 50 in D.D.101, Wo Shang Wai, Mai Po, Yuen Long

(RNTPC Paper No. A/YL-MP/185B)

145. The Secretary reported that the application was made by a subsidiary of Henderson Land Development Company Ltd. (Henderson). Dr. James C.W. Lau, having current business dealings with Henderson, and Dr. C.P. Lau, having a relative working as a consultant for Henderson, had declared interests in this application. The Committee noted that Dr. James C.W. Lau had already left the meeting. The Committee considered that as the application was for deferral of the case, Dr. C.P. Lau could be allowed to stay in the meeting.

148. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this application as she had current business dealings with Lanbase Surveyors Ltd., one of the consultants for the applicant. The Committee noted that Ms. Kwong had left the meeting temporarily.

Presentation and Question Sessions

149. Ms. S.H. Lam, STP/TMYL, informed Members that approval condition (c) in the Paper was revised to reflect that ‘container tractors/trailors’ was also not allowed to be parked/stored on the site at any time during the planning approval period. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary shop and services (second-hand private car sales) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (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 use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. According to the TPB Guidelines No. 13E, the site fell within Category 3 areas where favourable consideration would normally not be given unless the applications were on sites with previous planning approvals. It was considered that approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “Residential (Group D)” (“R(D)”) zone as there was no immediate development proposal for this part of the zone and the applied use was

compatible with the surrounding land uses. It was considered in line with the TPB Guidelines No. 13E in that there were previous approvals for temporary uses and there was no local objection. Relevant government departments had no adverse comment on or objection to the application. As there were domestic structures in close proximity to the site and in order to address the Director of Environmental Protection's concerns, approval conditions restricting the operation hours, types of vehicles and activities on-site as well as requiring maintenance of paving and boundary fencing were recommended. The site was the subject of five previous approved applications (No. A/YL-ST/10, 79, 195, 283 and 366) mainly for temporary retail shop for vehicle parts and accessories. The current application for second-hand private car sales was similar to the previous approved applications. The last Application No. A/YL-ST/388 was rejected mainly because it involved vehicles exceeding 5.5 tonnes. Since 2005, the Committee or the TPB had approved 10 applications for similar uses within the same "R(D)" zone and approval of the application was consistent with the previous decisions.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the northern boundary of the site to avoid encroachment upon the resumption limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories – Sheung Shui to Tuen Mun Section' as and when required by the Government to the satisfaction of the Director of Lands or of the TPB;
- (b) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container tractors/trailers as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, dismantling, repairing or other workshop activity involving metal cutting, drilling, hammering, paint spraying, and oil/lubricant changing was allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the landscape planting on the application site should be maintained at all times during the planning approval period;
- (g) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of an as-built drainage plan and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (i) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.10.2011;
- (j) in relation to (i) above, the provision of run-in within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.1.2012;
- (k) the submission of fire service installations proposal within 6 months from

the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;

- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) 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
- (o) 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.

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

- (a) to resolve any land issue relating to the temporary development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the land under application site comprised Old Schedule agricultural lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government; the information indicated that government land (GL) of about 800m² had been included in the site for which no permission had been given for its occupation by his office. Enforcement action would be taken against the unauthorised occupation of GL; the northern part of the site fell within the

project limit “Cycle Tracks Connection North West New Territories with North East New Territories – Section from Tuen Mun to Sheung Shui”. His office did not provide maintenance works to the GL involved nor guarantee right-of-way; and should planning approval be given to the subject planning application, the lot owner would still need to apply to his office to permit structure to be erected or regularise any irregularities on-site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department in Appendix V of the RNTPC paper;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that should the application be approved, the applicant was reminded to properly maintain the existing fencing and landscape planting along the site boundary and ensure that the proposed development would not encroach on the nearby well wooded area at the southwest of the site and affect any trees thereon. Besides, the proposed lighting facilities should also be installed at proper locations in order to minimise any glare effect on the said wooded area where an active egret was located;
- (f) to note the comments of the Commissioner for Transport that the site was connected to Shek Wu Wai Road via a section of local access road which was not managed by the Transport Department (TD). The land status of the local access road should be checked with the lands authority.

Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the access proposal should also be submitted to TD for agreement. If TD agreed, a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 at the footpath of Shek Wu Wai Road. At present, there was no HyD standard run-in on-site; and HyD was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Shek Wu Wai Road;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any unauthorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; use of container as office was considered as temporary structure and subject to control under Building (Planning) Regulations (B(P)R) Part VII; and formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage;
- (i) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements : for other open storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to

structures : portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans; the applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures as prescribed at Appendix VI of the RNTPC paper.

[Mr. Walter K.L. Chan left the meeting and Ms. Anna S.Y. Kwong returned to join the meeting at this point.]

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/716 Temporary Open Storage of Construction Machinery and Materials, Recycling Materials, Scrap Metal and Used Electrical Appliances with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” zone,
Lots No. 1668 S.B RP (Part), 1831 (Part), 1834 (Part), 1835 (Part), 1836 (Part), 1839, 1840, 1841 S.A, 1841 S.B, 1842 (Part), 1846 (Part), 1852 RP (Part), 1853, 1854, 1855, 1856, 1857 RP (Part), 1864 RP, 1881, 1882 RP, 1883, 1884 RP, 1885, 1886, 1887, 1888, 1889, 1890, 1891 RP, 1893 RP, 1894, 1895 RP, 1911, 1912 RP (Part), 1913 RP (Part), 1914 (Part), 1959 S.A RP (Part), 1967 S.B RP (Part), 1968 (Part), 1969 (Part), 1970, 1971 RP (Part), 1972, 1973, 1974, 1975 RP, 1976 RP, 1977, 1978, 1979, 1980 RP (Part), 1986 RP (Part), 1988 RP, 1989 RP (Part), 1990, 1991 RP and 1992 RP in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/716)

153. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this application as she had current business dealings with PlanArch Consultants Ltd., the consultant for the applicant. The Committee considered the interest was indirect and Ms. Kwong was allowed to stay.

Presentation and Question Sessions

154. Mr. Ernest C.M. Fung, STP/TMYL, reported that replacement pages 6, 7, 15 and Plan A-2 of the Paper were 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 temporary open storage of construction machinery and materials,

recyclable materials, scrap metal and used electrical appliances with ancillary packaging activities for a period of three years;

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the statutory publication period, which ended on 15.2.2011. On 1.3.2011, the further information of the application was published for public inspection. During the first three weeks of the statutory public inspection period, which ended on 22.3.2011, two public comments against the application were received. A Yuen Long District Council (YLDC) member relayed an objection from the Locwood Court Estate Owners' Committee on the grounds of adverse traffic, drainage and environmental impacts on the surrounding area, undesirable precedent for other similar applications and piecemeal development would jeopardise the long term development of the area. The Ha Tsuen Concern Group objected to the application for reasons including traffic safety to the elderly and children, massive unauthorised storage on-site without planning permission and the cumulative impacts of open storage uses on the area; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years 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 normally be given to applications within these areas. The applied use was compatible with the surrounding uses in the subject "Undetermined" ("U") zone which were predominantly open storage yards. As there was no known development for the site, the applied use would not frustrate any long-term development within the zone. The application was in line with the TPB Guidelines No. 13E in that there was no adverse comment from concerned government departments. The Director of Environmental Protection had no objection to temporary use under application but advised that there were two pollution complaints

against the site in 2009. In this regard, approval conditions restricting the operation hours, workshop activities other than ancillary packaging, and handling of electrical/electronic appliances were recommended. The TPB/Committee had approved seven previous applications for similar temporary open storage uses under Applications No. A/YL-HT/7, 128, 216, 261, 380, 534 and 568 since 1996. Since the granting of these previous approvals, there had been no material change in the planning circumstances. The TPB/Committee had also recently approved similar workshop uses under Applications No. A/YL-HT/608, 626, 662, 666, 679, 683, 703 and 706, and similar recycling of used electrical appliances under Application No. A/YL-HT/703 within the same “U” zone. Given that there were also a number of workshops which were existing uses in the immediate vicinity of the site, it was considered that the ancillary packaging workshop and handling of used electrical appliances under application could be tolerated. Due to the demand for open storage and port back-up uses in the area, the Committee had recently approved a number of similar applications for various temporary open storage and port back-up uses within the same “U” zone. As the site was in close proximity to these similar applications, approval of the subject application was in line with the Committee’s previous decisions. There were two public comments from a YLDC member and Ha Tsuen Concern Group objecting to the application. In this regard, it was noted that concerned government departments had no adverse comment on the application, and suitable approval conditions had been recommended to mitigate any potential impacts. As there was no known development for the site and its surrounding area, and their long term uses would be considered under the Hung Shui Kiu New Development Area Planning and Engineering Study, approval of the temporary use under application would not frustrate the permanent development in this zone.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling (dismantling of electrical/electronic appliances in particular), melting, cleansing, repairing and workshop activity, other than ancillary packaging activities under application, was allowed on the site during the planning approval period;
- (d) no handling (including loading, unloading and storage) of hazardous electrical/electronic appliances/components, including cathode-ray tubes (CRT), CRT computer monitors/television sets and CRT equipment was allowed on the site during the planning approval period;
- (e) handling (including loading, unloading and storage) of electrical/electronic appliances on the site, other than those prohibited in (d) above, must be carried out within concrete-paved covered structures, as proposed by the applicant, during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved applications No. A/YL-HT/534 and 568 should be maintained during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (h) the submission of a tree preservation and landscape proposal within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;

- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (k) in relation to (j) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012;
- (l) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;
- (m) 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; and
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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.

157. 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 land under the site comprised Old Schedule agricultural lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; the applicant should apply to him for Short Term Waivers (STWs) to permit structures to be erected, and modification of STWs No. 3155, 3156, 3329, 3330, 3335 to 3339, 3346 and Short Term Tenancy (STT) No. 1869 to regularise any irregularities on-site; and that he would process the STT/STW applications received. Such applications would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Access to the site required traversing through Government Land Allocation No. TYL 825 and TYL 1174 granted to the Chief Engineer/Land Works, Civil Engineering and Development Department (CE/LW, CEDD) for 'Ping Ha Road Improvement – Remaining Works'. CE/LW, CEDD should be consulted for any interface problem. He did not guarantee right-of-way;

- (c) to note the comments of the Chief Engineer/Sewerage Projects, Drainage Services Department (DSD) that sewerage works under DSD contract No. DC/2009/08 – 'Construction of Yuen Long South Branch Sewers and Expansion of Ha Tsuen Sewage Pumping Station' would be carried out adjacent to the site. The works would commence in mid 2011 for completion by March 2013. The applicant should liaise with the contractor and facilitate the implementation of temporary traffic arrangement near the site at the ingress/egress at Ping Ha Road for the construction of the pressurised sewer adjacent to the site;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimise the possible environmental impacts on the nearby sensitive receivers;

- (e) 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;

- (f) to note the comments of the Director of Fire Services on the requirements of formulating the fire service installations (FSIs) proposals as stated in Appendix V of the RNTPC 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 FSIs, the applicant was required to provide justifications to him for consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to effect the removal of all unauthorised works should circumstances require. To remove the existing structures that apparently had not obtained approval under the BO. The shelters and offices were considered as temporary buildings which were subject to control under Building (Planning) Regulations (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 should be provided under 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 B(P)R 19(3) at building plan submission stage; and

- (h) to note the comments of the Director of Agriculture, Fisheries and

Conservation that the applicant should adopt good site practices and necessary water control measures to avoid causing disturbance to the watercourses nearby.

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-HT/723

Land Filling (by 2.2m) for Permitted Agricultural Use
in “Green Belt” zone,
Lot No. 1372 in D.D. 125 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/723)

158. The Committee noted that the applicant’s representative requested on 8.4.2011 for a deferment of the consideration of the application for a period of two months in order to allow more time for the applicant to prepare a revised layout plan and a landscape mitigation plan for the site.

159. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 37

Section 16 Application

[Open Meeting]

A/YL-HT/724 Land Filling (by 1.9m) for Permitted Agricultural Use
in “Green Belt” zone,
Lots No. 1367, 1368, 1369 and 1370 in D.D. 125 and
Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/724)

160. The Committee noted that the applicant’s representative requested on 8.4.2011 for a deferment of the consideration of the application for a period of two months in order to allow more time for the applicant to prepare a revised layout plan and a landscape mitigation plan for the site.

161. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/726 Temporary Public Vehicle Park for Private Cars and Goods Vehicles
under 24 tonnes (Excluding Container Vehicles) and Warehouse
for a Period of 3 Years in “Comprehensive Development Area” zone,
Lot No. 3323 S.B ss.1 in D.D. 129 and Adjoining Government Land,
Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/726)

Presentation and Question Sessions

162. Mr. Ernest C.M. Fung, STP/TMYL, reported that replacement pages 10 and 11 of the Paper were 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 temporary public vehicle park for private cars and goods vehicles under 24 tonnes (excluding container vehicles) and warehouse for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site and environmental nuisance was expected. However, no environmental complaint against the site was received in the past three years;
- (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 three years based on the assessment made in paragraph 11 of the Paper. The temporary public vehicle park under application could serve the needs of residents in Tin Shui Wai, and was not in conflict with the planning intention of "Comprehensive Development Area" ("CDA") zone. The temporary warehouse under application was also not incompatible with the surrounding uses within the "CDA" zone. In this regard, approval of the application on a temporary basis would not frustrate the planning intention of the "CDA" zone as there was not known programme/intention to implement the zoned use on the OZP. Although DEP did not support the application, there was no environmental complaint against the site over the

past three years. The applicant also committed not to allow heavy vehicles of over 24 tonnes into the site. To address DEP's concerns and to mitigate any potential environmental impacts, approval conditions restricting the operation hours and the types of vehicles parked/stored were recommended. Other relevant government departments had no adverse comment on the application. The Committee had approved two previous applications for similar temporary parking use under Applications No. A/YL-HT/541 and 591 at the site since 2008. Although both applications were revoked due to non-compliance with the approval conditions, these applications were submitted by a different applicant and involved the parking of container vehicles. Due to the demand for parking uses in the area, the Committee/the TPB had recently approved a number of similar applications within the same "CDA" zone involving temporary parking uses. Since the granting of these approvals, there had been no material change in the planning circumstances, and hence approval of the subject application was in line with the Committee's previous decisions.

163. Members had no question on the application.

Deliberation Session

164. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 10:00 p.m. to 7:00 a.m. on Mondays to Saturdays (i.e. no vehicular movement in/out/within the site and no loading/unloading of goods), as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation between 1:00 p.m. to 7:00 a.m. on Sundays or public holidays (i.e. no vehicular movement in/out/within the site and no loading/unloading of goods), as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no container vehicle, as proposed by the applicant, was allowed to be parked or stored on the application site during the planning approval period;
- (d) only private cars and goods vehicles with valid licence issued under the Road Traffic Ordinance, and not exceeding 24 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked or stored on the application site during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle (i.e. exceeding 24 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the application site during the planning approval period;
- (f) the existing drainage facilities implemented under the previous approved Application No. A/YL-HT/591 should be maintained during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (h) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;
- (i) in relation to (h) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;
- (j) the construction of an intercept channel at the site entrance to prevent run-off flowing out from the site to nearby public roads and drains through

the access points within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.10.2011;

- (k) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (l) in relation to (k) above, the implementation of fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) 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;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) 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
- (o) 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.

165. 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 land under the site was an Old Schedule agricultural lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected prior without the prior approval of the Government;

and the applicant should apply to him to regularise the unauthorised occupation of government land (GL), the specified structures as office, storage and toilet and any irregularities on-site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. Access to the application site required traversing through GL. He provided no maintenance work for the GL and did not guarantee right-of-way;

- (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 minimise 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 the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) 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 FSIs, the applicant was required to provide justifications to him for consideration; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of planning approval should not be construed as an acceptance of the unauthorised structures on the site under the Buildings Ordinance (BO). Enforcement action might be taken to

effect the removal of all unauthorised works should circumstances require. To remove the existing structures that apparently had not obtained approval under the BO. The converted containers for storage and site office were considered as temporary buildings which were subject to control under Building (Planning) Regulations (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 should be provided under 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 B(P)R 19(3) at building plan submission stage.

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/206 Temporary Private Swimming Pool and Garden for a Period of 3 Years in “Village Type Development” zone,
Lots 3535 RP (Part), 3730 S.E (Part), 3733 (Part), 3734 S.A (Part),
3734 S.B ss.1, 3734 S.B RP (Part) and 3734 RP (Part) in D.D. 104,
Pok Wai, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/206)

Presentation and Question Sessions

166. Mr. Ernest C.M. Fung, STP/TMYL, said that a typo mistake was spotted on page 1 of the Paper regarding the application site and one of the “Lot 3535 RP (Part)” should be deleted. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary private swimming pool and garden for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application
- (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 use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. The site was the subject of three previous approved applications No. A/YL-NSW/100, 151 and 177 for the same applied uses at the same site generally. Comparing to the last approved application No. A/YL-NSW/177, the application site boundary was slightly changed and the site area was reduced from 335m² to 320m² due to the exclusion of a small area just at the southern tip of the site. All the approval conditions had been complied with but the approval lapsed on 27.7.2010 without any renewal application. Nonetheless, there had been no material change in planning circumstances since the expiry of the previous approval in July 2010. Although the private swimming pool and garden were not in line with the planning intention of the “Village Type Development” (“V”) zone, there was no imminent Small House development on the site and no general shortage of land for Small House development. In this regard, District Lands Officer/Yuen Long had no adverse comment on the application. Given the temporary nature of the development, the long-term planning intention of the “V” zone would also not be jeopardised. The temporary swimming pool and garden were compatible with the surrounding land uses and in view of its small scale, it would unlikely create any significant adverse impacts on the surrounding environment. Relevant government departments had no adverse comments on the application.

167. Members had no question on the application.

Deliberation Session

168. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the swimming pool should not be opened to members of the public;
- (b) the landscape treatment implemented on the site should be maintained properly at all times during the planning approval period;
- (c) the drainage facilities implemented on the site should be maintained properly at all times during the planning approval period;
- (d) the submission of condition records of the existing drainage facilities on site within 6 months from the date of planning approval to the satisfaction of Director of Drainage Services or of the TPB by 15.10.2011;
- (e) the submission of fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (f) in relation to (e) above, the implementation FSIs proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services of the TPB by 15.1.2012;
- (g) 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;
- (h) if any of the above planning conditions (d), (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 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.

169. 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 applicant should apply to his office for modification of Short Term Waiver No. 3399 to regularise any irregularities on site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (b) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the development should not obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc.;
- (c) to note the comments of the Director of Environmental Protection that the applicant should apply for a discharge licence under the Water Pollution Control Ordinance;
- (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. Should the applicant wish to apply for exemption from the provision of certain fire service installations, justifications should be provided to his department for consideration; and
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that fresh water from government mains should not be

used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the water mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if in the opinion of the Water Authority the supply situation requires it.

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/261 Proposed Temporary Green Design Research Centre
for a Period of 3 Years in “Recreation” zone,
Lots 713 S.A (Part), 713 S.B (Part), 714 and 744 in D.D. 104,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/261)

170. The Secretary reported that the application was made by a subsidiary of Henderson Land Development Company Ltd. (Henderson). Dr. James C.W. Lau, having current business dealings with Henderson, and Dr. C.P. Lau, having a relative working as a consultant for Henderson, had declared interests in this application. The Committee noted that Dr. James C.W. Lau had already left the meeting. Dr. C.P. Lau left the meeting temporarily at this point.

[Mr. Ambrose S.Y. Cheong left the meeting temporarily at this point.]

Presentation and Question Sessions

171. Mr. Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the temporary green design research centre for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) 34 public comments were received during the statutory publication period. Five supporting comments were received from private individuals. They supported the proposed development mainly because the site had been left idle and under-utilised for long time despite, and requested that the Government should encourage more of this green initiative to promote sustainable living. Seven objecting comments were received from private individuals on the grounds that ‘green architecture’ was not environmental protection but was a tool used by the property company to disguise development in the rural area, the proposed development was not in line with the “Recreation” (“REC”) zone, the genuine essence of environmental protection was to care about the nature and not to destroy the rural environment, the application was to increase the land bank of developer, and no adequate information was contained in the application. 22 comments were received from private individuals expressing concerns on the proposed development, including the main road of Yau Tam Mei Tsuen had reached its capacity, the site was zoned “REC” and should be used for recreational uses, the operation and nature of the proposed development, the motive of environmental protection and its infrastructure facilities as well as land use policy in the New Territories; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The “REC” zone was intended primarily for recreational developments for the use of the general public. According to the applicant, the proposed Green Design Research Centre served to enable studies with physical tests and would provide a pilot coordinated on-site platform for knowledge sharing to acquaint contractors, suppliers and architects in energy saving and

regulation compliance. Although the applied use was not in line with the planning intention of the “REC” zone, there was no known proposal for the any recreation development at the site. Given the temporary nature of the development, the long-term planning intention of the “REC” zone would not be jeopardised. The proposed development was of one-storey and such development was compatible with the surrounding rural areas. The building would have a green roof and would be surrounded by green lawns. The proposed plot ratio of 0.2 and one-storey structure were considered generally in line with the development intensity stipulated for the “REC” zone. While the proposed building height was from 4.5m to 7.5m, 80% of the building would be 6m or below and only 20% would be 7.5m. The applicant indicated that the varying of roof levels was to allow flexibility for testing of different types of design settings with different scales and the stepped roof profile was to permit infusion of natural lighting and free-flow of air at high level. In view of the nature of the proposed development and that it was only opened to visitors by appointment, it was unlikely to cause adverse traffic, environmental, drainage and landscape impacts on the area. Relevant government departments had no adverse comments on the application. There were 34 public comments received during the statutory public inspection period, with five commenters supported, seven commenters objected and 22 commenters raised concerns about the development proposal. The main objecting reasons were that they considered the applicant’s claim for promoting ‘green architecture’ was not for genuine environmental protection and the proposed development was not in line with the “REC” zone. They were also concerned about the operation and whether the proposed development would affect the livelihood of the villagers in future. In view of the local concerns, the applicant would be advised to liaise with the relevant parties to address their concerns.

172. Members had no question on the application.

Deliberation Session

173. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) handling of workshop activity on the site, must be carried out within the fully enclosed indoor area, as proposed by the applicant, during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance or container vehicle was allowed to be parked/stored on the site at any time during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB 15.1.2012;
- (g) the submission of landscape proposal including tree preservation scheme within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;
- (h) in relation to (g) above, the implementation of the landscape proposal including tree preservation scheme within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;

- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (j) in relation to (i) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012;
- (k) 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;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the above 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 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.

174. 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 application site;
- (b) to note the comments of District Lands Officer/Yuen Long (DLO/YL) that the site was accessible to Ngau Tam Mei Road via a local road on other private land and government land (GL). His office provided no maintenance work to this GL and did not guarantee right-of-way. The lot owner should apply to his office to permit structure to be erected or regularise any irregularities on site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its

sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the application site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road 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 (HyD) that his office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Ngau Tam Mei Road;
- (e) to note the comments of the Director of Environmental Protection that the applicant should observe any effluent discharge arising from the proposed development under the Water Pollution Control Ordinance;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should consult DLO/YL and to seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should provide more tree planting in the proposed landscape areas within the site;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water main would be affected. The applicant should bear the cost of any necessary diversion works affected by the proposed development;

- (i) 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. The emergency vehicular access (EVA) in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D;

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning approval should not be construed as condoning to any authorised structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance of other enactment might be taken if contravention was found. The proposed research centre was considered as temporary building that was subject to control under B(P)R Part VII. Formal submission of any proposed new works (if any), including any temporary structures and the associated drainage works for approval under BO was required. The submission did not contain detailed information on the existing access road for consideration under B(P)R 5 and B(P) 19(3) in respect of site access and development intensity. If the site did not abut a specified street of width not less than 4.5m, then the development intensity should be determined by the Building Authority. Please note that a local access road without right of way or not maintained by HyD might not be regarded as a specified street. An EVA under (B(P)R) 41D should be provided. Portable toilet services were not normally accepted unless supported with valid justification. Detailed checking would be made at the building plan submission stage;

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should

carry out the following measures: For application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD, prior consultation and arrangement with the electricity supplier was necessary. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, as the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (l) to note the public comments at Appendices IIa to IIo of the RNTPC paper and liaise with the relevant parties in resolving the public concerns.

[Dr. C.P. Lau and Mr. Ambrose S.Y. Cheong returned to join the meeting at this point.]

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/356 Proposed Temporary Eating Place (Restaurant) for a Period of 3 Years
in “Other Specified Uses” annotated “Railway Reserve”
and “Industrial (Group D)” zones,
Lot 1733 RP in D.D. 107, San Tam Road, Yuen Long
(RNTPC Paper No. A/YL-KTN/356)

Presentation and Question Sessions

175. 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 eating place (restaurant) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (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 use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The majority (about 74%) of the site was zoned “Other Specified Uses” annotated “Railway Reserve” (“OU(Railway Reserve)”), which was to reserve land for the proposed Northern Link (NOL). The Railway Development Office of Highways Department had no adverse comment on the application as the exact alignment and development programme of the NOL were yet to be finalised and temporary approval would not jeopardise the long-term planning intention of the “OU(Railway Reserve)” zone. The proposed development was compatible with the surrounding land uses and given the proposed restaurant would be accommodated within a building structure as proposed by the applicant, it would not generate adverse environmental impact/nuisance on the surrounding area. It would also provide catering services to local residents, workers as well as visitors in the area. Although the previous two Applications No. A/YL-KTN/305 and 321 for the same use as the current application were revoked due to non-compliance with approval conditions, the applicant had made efforts in compliance with the approval conditions. Since the revocation of Application No. A/YL-KTN/305, the applicant had complied with all the approval conditions except the condition on implementation of the emergency vehicular access (EVA), water supply for fire fighting and fire

service installations (FSIs) proposal under Application No. A/YL-KTN/321. According to the Chief Building Surveyor/New Territories West of Buildings Department, the building plan of the proposed development was approved on 23.11.2010 and the applicant claimed that there was insufficient time for implementation of the EVA, water supply for fire fighting and FSIs proposals before the specified time limit on 17.2.2011 under the last approval. As the consent to commencement of the EVA works had been granted by the Building Authority on 1.2.2011, it was anticipated that approval conditions related to fire safety aspect could be complied with within a reasonable time upon approval of the current application. In view of the above progress and that previous approvals for the same use had been granted, and there was no major change in planning circumstances, sympathetic consideration could be given to the current application for one more time but with shorter compliance periods to monitor the progress of compliance. A shorter approval period of two years was granted to the previous applications because of local objections. For the current application, since there was no local objection received, an approval period of three years was recommended, which was in line with the Committee's current practice in granting planning approval for temporary use. Relevant government departments had no adverse comment on the application. Nevertheless, to minimise any possible environmental nuisance, approval conditions restricting the operation hours and requiring maintenance of the boundary fencing were recommended.

176. Members had no question on the application.

Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (b) the existing boundary fencing should be maintained at all times during the planning approval period;
- (c) the existing landscape plantings on the site should be maintained at all times during the planning approval period;
- (d) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2011;
- (e) in relation to (d) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (f) the submission of emergency vehicular access, water supply 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 15.7.2011;
- (g) in relation to (f) above, the implementation of emergency vehicular access, water supply for fire fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (h) 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;
- (i) if any of the above planning conditions (d), (e), (f) or (g) 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

- (j) 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.

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

- (a) shorter compliance periods were imposed so as to monitor the fulfilment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the private land involved comprised Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. A Short Term Waiver (STW) No. 3405 for the purpose of temporary eating place (restaurant) with permitted Built-over Area not exceeding 465m² and structure not exceeding 1 storey and 5m high had been granted on the subject lot. The site was accessible to San Tam Road via government land (GL). His office did not provide maintenance works on this GL nor guarantee right of way. Should planning approval be given to the subject application, it was still subject to the terms and conditions including among others the payment of premium or fee under the STW No. 3405 as imposed by the Lands Department;
- (c) to note the comments of the Commissioner for Transport that the site was connected to public road network via a strip of land which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road 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 was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and San Tam Road;
- (e) to note the comments of the Director of Food and Environmental Hygiene that under the current licensing regime, the operation of food business (including food factory) at premises in private buildings should be in compliance with government lease condition, statutory plan restriction and free of unauthorised building works. The proposed food business should also comply with the provision of Public Health and Municipal Services Ordinance, Cap. 132 and the regulations made under it, including Food Business Regulation, and any prevailing requirements or conditions as specified by his department or any requirement or condition imposed or might be imposed by the Building Authority, the Director of Lands, the Director of Fire Services (D of FS), the Director of Electrical and Mechanical Services (DEMS), the Director of Environmental Protection (DEP) or any other government department. A proper food licence issued by his department or a staff canteen registered by his department was necessary if any food handling or any class of food business was conducted in the premises;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that a natural stream existed in the vicinity of the site which led to Sha Po Marsh preserved for mitigation purpose. The applicant should follow the guidelines in Practice Note 295 for Authorised Persons and Registered Structural Engineers on “Protection of natural stream/rivers from adverse impacts arising from construction works” and adopt good site practices during the construction phase to avoid disturbing the stream and its embankment;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not obstruct overland flow nor adversely affect the existing natural streams, village

drains, ditches and the adjacent areas etc. Besides, the applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;

- (h) to note the comments of DEP that the applicant should observe the Water Pollution Control Ordinance. To minimise the potential impact arising from the construction works, the applicant should refer to DEP's guideline "Recommended Pollution Control Clauses for Construction Contract";
- (i) to adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department to minimise any potential environmental nuisances;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of other proposed new works including any temporary structure for approval under the Buildings Ordinance, if any, was required. Since the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Besides, the applicant should observe the provision of emergency vehicular access (EVA) to all buildings under B(P)R 41D. Detailed consideration would be made at the building plan submission stage;
- (k) to note the comments of D of FS that the EVA provision at the site should comply with the standard stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the B(P)R 41D. Detailed fire safety requirement would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority; and
- (l) to note the comments of DEMS that the applicant should approach the

electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures including prior consultation and arrangement with the electricity supplier for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Besides, prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/357 Proposed Excavation of Land for Provision of Public Utility Pipeline in “Village Type Development” zone,
Footpaths, cycle tracks and carriageways at Kam Tin Road,
Kam Hing Road, Kam Tai Road, Chi Ho Road and Ko Po Road,
Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/357)

Presentation and Question Sessions

179. 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 excavation of land for provision of public utility pipeline;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (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 required for laying public utility pipelines for provision of electricity supply to facilitate the development of the Express Rail Link railway project and to improve the reliability of local electricity supply in Kam Tin and Shek Kong areas. After the underground cables were laid, the cable trenches and the work pits would be backfilled and reinstated. The proposed excavation works would be carried out on paved areas and there was no existing tree near the underground cables. Hence, it would be unlikely that the proposed excavation of land would cause adverse landscape or visual impact on the surrounding areas. Relevant departments consulted had no adverse comment on the application. Since part of the proposed excavation works would be located near the existing wetlands zoned “Conservation Area (1)” or ecological sensitive areas, approval conditions requiring the submission and implementation of an ecological mitigation plan before the commencement of the proposed excavation works and submission of an ecological monitoring report were recommended.

180. Members had no question on the application.

181. A Member asked if the excavation of land for public utility pipeline could be exempted from making planning application to the Board, as agreed in a previous TPB Meeting.

182. The Secretary said that the Board had agreed in a previous meeting that the excavation of land for projects that were coordinated by government departments could be exempted from making planning application unless there was above-ground installation.

183. 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 15.4.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of an Ecological Mitigation Plan listing out the mitigation measures as proposed by the applicant, the commencement date of works and the estimated construction period prior to the commencement of works to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) the implementation of the mitigation measures, as proposed in the Ecological Mitigation Plan in (a) above, during the construction period to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (c) the submission of an Ecological Monitoring Report after the completion of works recording the implementation of mitigation measures during the construction period to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (d) the submission of a drainage report to address the impacts on the existing public drainage facilities and other proposed or ongoing drainage projects arising from the proposed development prior to the commencement of

works to the satisfaction of the Director of Drainage Services or of the TPB;

- (e) the implementation of the proposals, as proposed in the drainage report in (d) above, during the construction period to the satisfaction of the Director of Drainage Services or of the TPB; and
- (f) if any of the above planning conditions (a), (b), (d) or (e) was not complied with, the approval hereby given should cease to have effect and should be revoked immediately without further notice.

184. 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 applicant needed to apply to his office for excavation permit of the excavation work.
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that several sections of the proposed cable alignment, including those along Kam Tin Bypass and near Au Tau, remained very close to/at the edge of the “Conservation Area” zone. Due to the ecological significance of these areas, the applicant should adopt every measure to ensure no encroachment into these zones during the construction phase. Besides, the proposed cable alignment would lie in close proximity to ecological sensitive areas including egretty and abandoned meanders preserved for ecological mitigation purpose and constructed wetlands maintained by her department. The applicant should keep her department informed of the dates of commencement of the proposed works and the construction period, as well as to ensure no stockpiling or work would occur on the above sensitive areas. The applicant should also adopt good site practices and control site run-off properly to prevent disturbing the vegetation and the stream/abandoned meanders during the course of construction. In addition, the proposed cable alignment would fall within 100m from an ardeid nesting site. The

applicant should avoid excavation works at the section along the Castle Peak Road – Tam Mi starting from March till the end of August to fully avoid the breeding period of ardeids;

- (c) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) that the proposed trench/pit openings were located adjacent to certain number of geotechnical features. The proposed openings would appear to pose a threat to the slopes if extreme care and control was not exercised in the planning, design, construction or supervision of works. The utility undertakers should observe the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by the Highways Department (HyD) and CEDD which provided good technical guidelines on trench excavation and the requirements in Appendix III of the RNTPC paper. Besides, the trench/pit should be backfilled with fine material in accordance with the specification and standard of Section 6 of the General Specification for Civil Engineering Works (CEDD 2006 or as amended or updated);
- (d) to note the comments of the Director of Environmental Protection that the “Recommended Pollution Control Clauses for Construction Contracts”, which was available from his department’s website, should be implemented to minimise the short-term impacts during construction;
- (e) to note the comments of the Commissioner for Transport that the proposed pipeline alignment and corresponding works areas fell within the land/tracks which were not managed by the Transport Department. The land status of the land or tracks should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local tracks or the strips of land should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed excavation works would be conducted in the vicinity of some existing drainage facilities. There were

also some sewerage projects administered by the Sewerage Project (SP) Division of his department in the area. The applicant should liaise with the SP Division during the course of the project works for any interface matter;

- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that there were existing water mains along and in the vicinity of parts of the site. During the design stage and prior to the excavation, the applicant should liaise with the New Territories West Region of his department regarding the alignments of the proposed cables and the records of the existing water mains;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, HyD that Excavation Permit should be obtained from his office prior to commencement of any excavation works on public roads maintained by his department. Any damage to the public roads, structures, street furniture etc., caused by the proposed works should be reinstated by the applicant to his satisfaction. The minimum cover requirement as stipulated in HyD Technical Circular 3/90 should be fully complied with. The proposed works should not cause adverse effect to the existing highway structure and existing highway slope adjoining the site. Besides, the proposed works fell within the West Rail Railway Protection Boundary. Mass Transit Railway Corporation Ltd. should be consulted prior to the commencement of the works. Since the proposed works might fall within the project limits of “Upgrading of Tai Kong Po Access Road” and “Upgrading Remaining Section of Kam Tin Road and Lam Kam Road” undertaken by the Works Division of HyD, the applicant should liaise with the Works Division of HyD on the interface issue of the proposed works within the mentioned HyD projects prior to commencement of the works; and
- (i) to note the comments of the Project Manager/New Territories North & West, CEDD’s comments that the proposed works might have interface with his completed landscape works in the vicinity. Since the landscape works were handed over to the Leisure and Cultural Service Department

(LCSD) for maintenance in January 2011, the applicant should approach LCSD if the landscape works would be affected during the course of the proposed works.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/507 Proposed House and Minor Relaxation of Building Height Restriction in “Village Type Development” zone,
Kat Hing Wai Lots 151 and 152 and Lots 399 (Part)
and 1411 in D.D. 109, Kat Hing Wai, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/507)

Presentation and Question Sessions

185. 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 house and minor relaxation of building height restriction;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) two public comment were received during the statutory publication period. The Village Representative of Kat Hing Wai Tsuen objected to the application as the proposed house would occupy/obstruct the pedestrian access of the village and its building height would cause adverse visual impact on the nearby residents. Designing Hong Kong Ltd. objected to the application because there was no overriding private need or public planning gain in relaxing the building height restriction. The District

Officer (Yuen Long) (DO(YL)) advised that a public comment from the Chairman of Kam Tin Rural Committee had been received which objected to the application on the grounds that the proposed development would extinguish the existing main access used by the villagers, and the relaxation of building height would affect the Small House policy in the future; 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 was located on land within “Village Type Development” (“V”) zone mainly for development of Small Houses by indigenous villagers but sympathetic consideration could be given to special circumstances, for example, the development right of the lots with building status would normally be respected even if the proposed development was not a Small House for an indigenous villager. Kat Hing Wai Lots 151 and 152, and Lot 1411 in D.D. 109 were of building status while Lot 399 in D.D. 109 was of both agricultural and building status. In this regard, the District Lands Officer/Yuen Long, noting that there was sufficient land in the subject “V” zone of Kat Hing Wai and Chi (Tsz) Tong Tsuen to meet the demand of Small Houses, had no comment on the proposed development. The proposed development was located within a village area. It was considered that the proposed building bulk of the house with plot ratio of about 0.9, site coverage of about 32% and relaxation of building height from 8.23m to 9.14m (3 storeys) was compatible with the surrounding environment and no significant visual and landscape impacts would be created to the surrounding area. Relevant government departments had no adverse comment on the application. There were two objections received during the statutory publication period and a local objection received by DO(YL) mainly on the grounds that the proposed house would cause adverse visual impact and obstruct the pedestrian access, and the proposed relaxation of building height restriction was not necessary. In this regard, the proposed development was not a development under the Small House policy and the proposed building bulk and height was considered not incompatible with the village environment. Relevant departments also had no adverse comment on the application.

Besides, the applicant indicated that the local road within the site to the southwest would be made available for use of the villagers upon redevelopment.

186. Members had no question on the application.

Deliberation Session

187. Mr. Ambrose S.Y. Cheong advised that the existing vehicular access connecting the application site and Kam Sheung Road was not managed by the Transport Department and suggested adding an advisory clause to inform the applicant on this aspect and to advise him to check the land status and clarify the management and maintenance responsibilities of the vehicular access with the relevant lands and maintenance authorities. Members agreed.

188. 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 15.4.2015, 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 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 design and provision of an emergency vehicular access, water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long that the lot boundaries, area of the lots and the permitted building areas would be

verified and ascertained, and the proposed sub-division arrangement for Lot 399 (Portion) in D.D. 109 would be further examined upon receipt of details of the re-development proposal. The proposed development was not a New Territories Exempted House, and it appeared that it would be subject to the relevant provisions of the Buildings Ordinance (BO). The lot owners were required to apply to his office for approval of the redevelopment proposal. Such application, if received, would be considered by the Lands Department (LandsD) acting in the capacity as the landlord at its sole discretion. Any approval, if given, would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed by LandsD;

- (b) to maintain the existing local access road within the site to the southwest for the use of the villagers;
- (c) the approval of the application did not imply that the gross floor area exemption and/or bonus plot ratio included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that two existing trees *Delonix regia* (鳳凰木) and *Celtis sinensis* (朴樹) with about 12m crown spreads were located close to the proposed fence. Proper tree protection measures should be in place before commencement of construction works. Besides, no information was provided to demonstrate that the proposed private open space would not affect the existing trees on the site. The applicant should provide further details on the proposed tree preservation strategy. Moreover, no works should commence on the site prior to approval of the landscape and tree preservation proposal;
- (e) to note the comments of the Director of Environmental Protection that the applicant should complete the Self Assessment Form as per the “Professional Persons Environmental Consultative Committee Practice

Notes' 1/97's requirements;

- (f) to note the comments of the Commissioner for Transport that the existing vehicular access connecting the site and Kam Sheung Road was not managed by the Transport Department. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (g) 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 Kam Sheung Road;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, BD that the site plan and floor plans do not contain the necessary information for detailed checking. Formal submission by an Authorised Person under the BO was required. It appeared that the proposed site would include an existing road serving other private lots. The area of the existing road should be excluded from site area under the Building (Planning) Regulations (B(P)R) 23(2)(a). Besides, the submission did not contain detailed information on the existing access road for his comment under B(P)R 5 and B(P)R 19(3) in respect of site access and development intensity. Since the site did not abut Kam Sheung Road or a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. He reserved his comments under B(P)R 5 regarding site access. Moreover, the proposed balconies at 1/F and 2/F should be accountable for gross floor area (GFA) and site coverage calculations under B(P)R 23(3)(a). The proposed covered sky garden at 1/F and 2/F for single family house should also be accountable for GFA calculation under B(P)R 23(3)(a). In addition, the applicant should observe the requirements for provision of emergency vehicular access to the proposed building under B(P)R 41D;

- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should not generate adverse drainage impact on the adjacent areas;
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by PlanD. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (k) 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
- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the rehabilitation and replacement of the existing water mains within the site originally scheduled for commencement in November 2010 would be carried out shortly.

Agenda Item 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/514 Temporary Concrete Batching Plant for a Period of 2 Years
in “Agriculture” zone,
Lots 111 RP (Part), 112 (Part), 113 (Part), 115 RP (Part)
and 116 (Part) in D.D. 113, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/514)

Presentation and Question Sessions

190. 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 concrete batching plant for a period of two years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures/dwellings, in the vicinity of the site, and environmental nuisance was expected. He also advised that five environmental complaints against the development were received in 2010, and the Environmental Assessment submitted was incomplete and the imposition of planning condition to resolve the environmental problems was inappropriate. The Commissioner for Transport (C for T) commented that the width of the existing vehicular access at Kam Ho Road seemed to be inadequate for concrete lorry and cement delivery truck. The Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application as the site had high potential for agricultural rehabilitation. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) commented that the drainage proposal submitted by the applicant was not satisfactory. The Chief Town Planner/Urban Design

and Landscape, Planning Department (CTP/UD&L, PlanD) opined that the site was not quite compatible with the agricultural landscape character of the area and the development would pose a greater threat to the environment and the landscape than the previous car park use;

- (d) 63 public comments from two Yuen Long District Council (YLDC) members and 61 local residents were received during the statutory publication period, which ended on 12.11.2010. On 10.12.2010, the further information was published for public inspection. During the first three weeks of the public inspection period, which ended on 31.12.2010, three public comments from a YLDC member, Pat Heung Rural Committee and Designing Hong Kong Ltd. were received. On 4.3.2011, the further information was published for public inspection. During the first three weeks of the public inspection period, which ended on 25.3.2011, three public comments from the Village Representative (VR) of Ma On Kong Tsuen, a local villager and a member of the public were received. Out of the 69 public comments received, two commenters, including a YLDC member and Pat Heung Rural Committee, had no objection to the application and considered that the development would support the infrastructural development but advised that appropriate environmental and safety measures should be provided. The other 67 commenters objected to or expressed concerns on the application on the grounds that the development was not in line with the planning intention and was not compatible with the surrounding land uses. The development would incur adverse traffic, environmental, ecological, visual/landscape and drainage and sewerage impacts and would set a bad precedent. Some commenters were also of the view that relevant government departments should take enforcement action against the development and retrospective approval by the TPB should not be allowed. The District Officer (Yuen Long) advised that two public comments from a YLDC member and the VR of Ma On Kong Tsuen had been received, which were the same as two of the public comments received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the

application based on the assessment made in paragraph 11 of the Paper. The development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and in this regard, DAFC did not support the application as the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. While the applicant claimed that the development was for construction of the Express Rail Link (XRL) project, the Chief Engineer/Railway Development 2-3, Railway Development Office of Highways Department advised that the applicant was not the concrete supplier of the XRL project. The surrounding land uses of the site were rural in character, with the presence of some warehouses and a storage yard, which were suspected unauthorised development. Noting that there were a small knoll to the southeast and two large woodlands to the north and south of the site, the temporary concrete batching plant was incompatible with the rural setting of the area. Although previous planning approvals were granted at the site, they were approved for temporary public vehicle park use, which was of a different nature as compared with the use under the current application. Besides, the last Application No. A/YL-KTS/492 was revoked due to non-compliance with the approval condition related to prohibition of parking/storage of medium or heavy goods vehicles and container vehicles. The applicant failed to demonstrate that the development would not generate adverse impacts on the surrounding area and relevant government departments, including DEP, C for T, DAFC, CTP/UD&L of PlanD and CE/MN of DSD, had adverse comments on or objection to the application. Since no similar application was granted within the same “AGR” zone, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. There were 67 public comments objecting to or expressing concerns on the application for reasons that the development was not line with the planning intention, not compatible with the surrounding land uses, the development would cause adverse impacts on the area and would set a bad precedent. Some commenters further requested that relevant government departments should take action against the development, which was an illegal

establishment.

191. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the surrounding land uses were rural in character predominated by orchards, fallow agricultural land and a few residential structures with land zoned “Green Belt” and “Conservation Area” nearby. The development was not compatible with the rural setting of the area;
- (c) the applicant failed to demonstrate that the development would not generate adverse environmental, traffic, landscape and drainage impacts on the surrounding area and there were adverse comments from the relevant departments; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/529 Temporary Open Storage of Recyclable Materials
(Metals and Plastics) for a Period of 3 Years
in “Agriculture” zone,
Lots 664 (Part) and 665 (Part) in D.D. 113 and
Adjoining Government Land, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/529)

Presentation and Question Sessions

193. 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 recyclable materials (metals and plastics) for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the temporary use under application was incompatible with the existing rural landscape character of the area. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site had high potential for agricultural rehabilitation;
- (d) four public comments from a Yuen Long District Council (YLDC) member, two village representatives of Ho Pui Tsuen and Ma On Kong Tsuen and Designing Hong Kong Ltd. were received during the statutory publication

period. All the commenters objected to or had reservation on the application as the development was not in line with the planning intention and would spoil the tranquil environment and the village's character, cause adverse environmental and traffic impacts, and road safety problems to the residents nearby. Designing Hong Kong Ltd. further commented that approval of the application would set a bad precedent and requested that a plan for quality landscaping and well-designed interface with the public domain should be provided should the application be approved. The District Officer (Yuen Long) advised that a public comment from a YLDC member, which was the same as one of the public comments received during the statutory publication period, had been received; 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. According to the TPB Guidelines No. 13E, the application site fell within Category 3 areas where applications would not be favourably considered unless the applications were on sites with previous planning approvals. The temporary use under application was not in line with the planning intention of the “Agriculture” (“AGR”) zone and in this regard, DAFC did not support the application considering that the site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. The development was not compatible with the surrounding rural land uses. While there were some open storage yards, a workshop and an office, these uses were suspected “unauthorised developments”. Besides, the development, which involved the use of medium or heavy goods vehicles over 5.5 tonnes in weight, was connected to Kam Ho Road via an informal vehicular access with a width of about 3m to 5m, and might cause nuisance or road safety problem to the local residents/villagers. The application did not comply with the TPB Guidelines No. 13E in that there was no previous approval granted at the site for open storage use and there were adverse departmental comments, including DEP, CTP/UD&L of PlanD and DAFC on the application. Sympathetic consideration of the application was also not warranted as no

information was provided to demonstrate that the proposed access route would not generate adverse impact on trees along its stretch and no submission was made to demonstrate that the development would not generate adverse drainage impact. All similar applications within the same “AGR” were rejected by the Committee or the TPB on review. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. There were four public comments objecting to or having concerns/reservation on the application received during the statutory public inspection period for reasons that the development was not in line with the planning intention and there were concerns on the environmental and traffic impacts and road safety problem arising from the development.

194. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good agricultural land for agricultural purposes. This zone was also intended to retain fallow arable land with good potential for rehabilitation. 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 Guidelines No. 13E in that the development was not compatible with the surrounding land uses which were predominantly rural in character; there was no previous approval granted at the site and there were adverse comments from the relevant government departments;

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/530 Renewal of Planning Approval for “Temporary Open Storage of Vehicles (Pending Repair and Insurance Compensation) and Spare Parts” under Application No. A/YL-KTS/419 for a Period of 3 Years in “Agriculture” zone,
Lot 467 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/530)

Presentation and Question Sessions

196. 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 renewal of planning approval for temporary open storage of vehicles (pending repair and insurance compensation) and spare parts under Application No. A/YL-KTS/419 for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not favour the application as the site had high

potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structures, in the vicinity and environmental nuisance was expected;

- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the statutory publication period, which commented that the TPB should evaluate the potential traffic impact on Kam Sheung Road and the development would pose danger to other road users. The District Officer (Yuen Long) advised that a comment from a YLDC member, which was the same as the public comment received during the statutory publication period, had been received; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a further period of three years based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse impacts on the surrounding area. The application, being a renewal application, was in line with the TPB Guidelines No. 13E and 34B in that similar previous approvals had been granted and all approval conditions under the last application (No. A/YL-KTS/419) had been complied with, and no adverse comment on the application from relevant departments except DAFC and DEP had been received. As there had been no major change in planning circumstances since the last approval and the applicant had complied with all the approval conditions under the last application, sympathetic consideration could be given to the current application. The development was compatible with the open storage uses nearby and on the opposite side of Kam Sheung Road. Although DAFC did not support the application, it should be noted that the applied use had been operated on the site since 1999. A similar

application No. A/YL-KTS/474 located to the immediate east of the site had also been approved by the Committee on 23.10.2009. While DEP did not support the application in view that as there were residential structures in its vicinity, no local objection had been received during the statutory publication period and no environmental complaint had been received by DEP in the past three years. To address the concern of the DEP, approval conditions restricting the operation hours and types of vehicles, and prohibiting workshop-related activities were recommended. There was a concern from a YLDC member on the potential traffic impact and the road safety problem. In this regard, relevant departments consulted, including Commissioner for Transport and Commissioner of Police, had no adverse comment on the application.

197. Members had no question on the application.

Deliberation Session

198. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 19.4.2011 to 18.4.2014, 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 10:00 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 medium or heavy goods vehicle exceeding 5.5 tonnes, including container vehicles, as defined in the Road Traffic Ordinance, was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other

workshop activities should be carried out on the site at any time during the planning approval period;

- (e) no vehicular reversing in or out from the site to Kam Sheung Road was allowed at any time during the planning approval period;
- (f) the stacking height of vehicles and vehicle parts should not exceed the height of the peripheral fence of the site;
- (g) the existing landscape plantings within the site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (i) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.10.2011;
- (j) the submission of a run-in proposal at Kam Sheung Road within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.10.2011;
- (k) in relation to (j) above, the provision of a run-in at Kam Sheung Road within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 18.1.2012;
- (l) the submission of fire service installations (FSIs) 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 18.10.2011;

- (m) in relation to (l) above, the provision of FSIs within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 18.1.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (o) if any of the above planning conditions (i), (j), (k), (l) or (m) 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
- (p) 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.

199. 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 private land involved comprised Old Schedule Agricultural Lot held under Block Government Lease under which no structure was allowed to be erected without prior approval of the Government. The site was covered by a Short Term Waiver (STW) No. 2785 for the purpose of ancillary use to open storage of vehicles and spare parts with permitted Built-over-area not exceeding 26.28m² and structure not exceeding 1 storey and 2.8m high. The site was directly accessible to Kam Sheung Road. His office did not provide maintenance works of the road nor guarantee right of way. The applicant was advised to apply to his office for renewal of the STW. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such approval was approved, it would be subject to such terms and conditions including

among others the payment of premium or fee, as imposed by LandsD;

- (b) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (c) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his office for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating the FSIs proposal for the proposed open storage site, for open storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plan. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his office for consideration;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorised structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works in the future; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out if there was any underground cable (and/or

overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/531 Temporary Open Storage of Vehicles and Vehicle Parts
for a Period of 3 Years
in "Other Specified Uses" annotated "Rural Use" zone,
Lots 579 S.B and 579 RP in D.D. 106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/531)

Presentation and Question Sessions

200. 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 vehicles and vehicle parts for a period of three years;

- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures, in the vicinity of the site, and environmental nuisance was expected;
- (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 use under application could be tolerated for a period of one year, instead of three years as proposed by the applicant, based on the assessment made in paragraph 12 of the Paper. The site fell within Category 3 areas under the TPB Guidelines No. 13E where sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the applications relevant technical assessments to demonstrate that the proposed uses would not generate adverse impacts on the surrounding area. The development was compatible with the open storage/storage uses and warehouses operated nearby and there was no major residential settlement in the vicinity. As there was no known development programme for the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) site, approval of the application on a temporary basis would not frustrate the planning intention of the “OU(RU)” zone on the OZP. The application was also considered in line with the TPB Guidelines No. 13E in that it related to an application to continue similar open storage use approved under previous applications since 1995. Although the last Application No. A/YL-KTS/444 was revoked due to non-compliance with approval condition related to prohibition of vehicle dismantling, maintenance, repairing/breaking, cleansing, paint-spraying and other workshop activities, the applicant had made efforts and complied with the approval condition related to provision of replacement tree planting under the last approval. The applicant also indicated that the

existing vehicle repair workshop on the site would be converted for storage purpose and staff changing room. Similar applications (No. A/YL-KTS/501 and 503) located to the south of the site had also been approved by the Committee recently in September 2010. As previous approvals had been granted and there was no major change in the planning circumstances since the last planning approval, sympathetic consideration could be given to the current application. Relevant government departments, except DEP, had no adverse comment on the application. While DEP did not support the application as there were residential structures nearby, it should however be noted that no local objection had been received during the statutory publication period and no environmental complaint had been received by DEP in the past three years. Nevertheless, to monitor the situation on the site given the last application was revoked due to non-compliance with approval condition and to address the concern of the DEP, a shorter approval period of one year and approval conditions restricting the operation hours and types of goods vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended.

201. Members had no question on the application.

Deliberation Session

202. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 15.4.2012, instead of the period of 3 years sought, 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 6:00 p.m. and 10:00 a.m. on Mondays to Saturdays, 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 dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no vehicular reversing in or out from the site to Kam Sheung Road was allowed at any time during the planning approval period;
- (f) the existing boundary fencing should be maintained at all times during the planning approval period;
- (g) all landscape plantings within the site should be maintained at all times during the planning approval period;
- (h) the stacking height of the materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence;
- (i) the implementation of replacement of tree planting within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 15.7.2011;
- (j) the submission of a run-in proposal at Kam Sheung Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.7.2011;
- (k) in relation to (j) above, the provision of a run-in at Kam Sheung Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.10.2011;

- (l) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2011;
- (m) in relation to (l) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (n) 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 15.7.2011;
- (o) in relation to (n) above, the provision of 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 15.10.2011;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) 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
- (r) 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.

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

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

- (b) the permission was given to the use under application. It did not condone any other use including the workshop use which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue such use not covered by the permission;
- (c) shorter approval period was granted so as to monitor the situation on the site and shorter compliance periods were given correspondingly. 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 Committee to any further application;
- (d) to resolve any land issues relating to the development with the concerned owner of the site;
- (e) to note the comments of the District Lands Officer/Yuen Long that the site was accessible to Kam Sheung Road via government land (GL). His office did not provide maintenance works on this GL nor guarantee right of way. Should the application be approved, the lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (f) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) 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 Kam Sheung Road;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that based on the recent site inspection, one of the trees *Dimocarpus longan* (龍眼) was dead, whilst the existing tree *Delonix regia* (鳳凰木) appeared to be under stress with broken and decayed stems. The dead tree should be replaced by one *Dimocarpus longan* at heavy standard size;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact to the adjacent areas;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from licensing authority. If the applicant wished to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to his department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorised structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorised Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorised structures on the site under the BO. Enforcement action might be taken to effect the removal of all

unauthorised works in the future; and

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

Agenda Item 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/532 Temporary Animal Boarding Establishment
for a Period of 3 Years in “Agriculture” zone,
Lot 1652 in D.D. 106, Kam Sheung Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/532)

Presentation and Question Sessions

204. 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 animal boarding establishment for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site had high potential for agricultural rehabilitation;
- (d) one public comment from a Yuen Long District Council (YLDC) member was received during the statutory publication period, which considered that the TPB should assess the application in a holistic manner taking into account the significant increase of population along Kam Sheung Road and the potential noise nuisance or impacts arising from the application. The District Officer (Yuen Long) advised that a public comment from a YLDC member, which was the same as the public comment received during the statutory publication period, had been received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The site was zoned “Agriculture” (“AGR”) on the OZP. Although DAFC did not support the application from the agricultural development point of view, the proposed use was only temporary and the site could be rehabilitated for agricultural use in the longer term. Besides, the animal boarding establishment for rearing and breeding of cats and dogs was in fact akin to the breeding and keeping of poultry and livestock which was regarded as ‘Agricultural Use’ and always permitted under “AGR” zoning. The development was considered compatible with the surrounding rural land uses. Although there were residential dwellings in the immediate vicinity, no local objection had been received during the statutory publication period and no environmental complaint was received by the Director of Environmental Protection (DEP) in the past three years. Besides, the

development was not expected to cause significant adverse environmental impact on the surrounding area. To abate the possible noise arising from dog-barking within the site, an approval condition requiring the installation of sound-insulating materials and double-glazing windows at the animal boarding rooms was recommended. Previous approval (A/YL-KTS/480) submitted by the same applicant for the same use as the current application had been granted by the Committee. Although the last Application No. A/YL-KTS/480 was revoked due to non-compliance with approval conditions related to installation of sound-insulating materials and double-glazing windows, the applicant had made efforts to comply with the approval conditions including the submission of fire fighting access and fire service installations proposal. Besides, the installation works of the sound-insulating materials and double-glazing windows had also been completed pending acceptance by the relevant departments. Relevant government departments, except DEP and DAFC, had no adverse comment on the application. In view that previous approval had been granted and there was no major change in the planning circumstances, sympathetic consideration could be given to the application but shorter compliance periods were recommended in order to monitor the progress of compliance. There was one public comment expressing concern on the noise nuisance and impacts arising from the development. In this regard, the applicant indicated that sound-insulating materials, double-glazing windows and ventilation system were used/installed for the animal boarding rooms, and good housekeeping practice would be adopted. Appropriate approval conditions were also recommended to minimise the noise nuisance or impacts arising from the development.

205. Members had no question on the application.

Deliberation Session

206. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the installation of sound-insulating materials and double-glazing windows at the animal boarding rooms, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.7.2011;
- (b) the submission of landscaping and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.7.2011;
- (c) in relation to (b) above, the implementation of landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;
- (d) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2011;
- (e) in relation to (d) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (f) 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 15.7.2011;
- (g) in relation to (f) above, the provision of 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 15.10.2011;
- (h) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed so as to monitor the fulfilment of approval conditions on the site. 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 Committee to any further application;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private land involved comprised Old Schedule Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. The site was covered by a Modification of Tenancy and a Letter of Approval allowing domestic and agricultural structures. However, no approval had been given for the specified structures for animal boarding room and working room and domestic uses at the specified location. The site was accessible to Kam Sheung Road through an informal village road on government land (GL) and private land. His office did not provide maintenance works on this GL nor guarantee right of way. Should the application be approved, the lot owner still needed to apply to his office to permit structures to be erected or regularise any irregularities on the site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such approval was given, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;

- (d) to apply for a Animal Trader Licence and a Boarding Establishment Licence from the Director of Agriculture, Fisheries and Conservation and observe the relevant provisions when operating the development;
- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) to minimise any potential environmental nuisances;
- (f) to position the exhaust outlets of the proposed air ventilation system of the development away from the nearby residential dwellings as far as possible;
- (g) to note the comments of DEP that the requirements under the Water Pollution Control Ordinance (WPCO) (Cap. 358) should be observed, and that the effluent from the operation should meet the WPCO requirements prior to discharge;
- (h) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that adverse impact on the animals arising from the landscape plants would be unlikely if the applicant would take regular and proper landscaping maintenance works;
- (j) 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 Kam Sheung Road;

- (k) to note the comments of the Director of Food and Environmental Hygiene that the applicant should ensure that the operation of the development should not cause environmental nuisance inconvenience to the cleansing operation of his department. Besides, all waste generated from the development should be disposed of properly at the cost of the user and not be dumped at any of the refuse collection facilities of his department;
- (l) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should not generate adverse drainage impact to the adjacent areas. The effluent from the site should also not be discharged into the stormwater drainage system;
- (m) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structures, the applicant was advised that for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justification to his department for consideration;
- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised 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 unauthorised 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. Containers used as office and storeroom were considered as temporary structures and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. 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 B(P)R 19(3) at the building plan submission stage; and

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

Agenda Item 49

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/533 Temporary Restaurant for a Period of 3 Years
in “Agriculture” zone,
Lots 1637 RP, 1649 S.A and 1649 RP in D.D. 106,
Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/533)

Presentation and Question Sessions

208. 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 restaurant for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as light or medium goods vehicles were used for operation of the development and there were sensitive receivers, i.e. residential structures, in the vicinity of the site, and environmental nuisance was expected;
- (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 use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. Although the development was not in line with the planning intention of the “Agriculture” zone, it was compatible with the surrounding rural land uses

including residential structures/development. In view of the small scale of the development, it would not have significant impact on the rural character of the area. As the restaurant occupied the ground floor of existing NTEHs, it lacked the potential for agricultural rehabilitation and the Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. Besides, the development could provide catering services to local residents, workers as well as visitors in the area. As previous approvals for the same use had been granted and the approval conditions under the last application had been complied with and there was no major change in planning circumstances, sympathetic consideration could be given to the current application. Apart from DEP, relevant government departments had no adverse comments on the application. Although DEP did not support the application, no local objection had been received during the statutory publication period and no environmental complaint had been received by DEP in the past three years. The applicant had also indicated that normally one vehicular trip of light/medium goods vehicle every day was adequate for delivery of food and other materials for operation of the development. Nevertheless, to address the concern of DEP, approval condition restricting the operation hours was recommended.

209. Members had no question on the application.

Deliberation Session

210. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 9:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicular reversing in or out from the site to Kam Sheung Road was allowed at any time during the planning approval period;

- (c) the maintenance of all landscape plantings on the site at all times during the planning approval period;
- (d) the maintenance of the existing drainage facilities implemented under Application No. A/YL-KTS/415 on the site at all times during the planning approval period;
- (e) the submission of record of existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (f) the submission of a run-in proposal at Kam Sheung Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.10.2011;
- (g) in relation to (f) above, the provision of a run-in at Kam Sheung Road within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 15.1.2012;
- (h) the submission of water supplies for fire fighting and fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.10.2011;
- (i) in relation to (h) above, the provision of water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.1.2012;
- (j) 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;

- (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.

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

- (a) prior planning permission should have been obtained before continuing the applied use at the application site;
- (b) to resolve any land issues relating to the development with other concerned owners of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that two Building Licences Nos. BL6160 and BL6161 were issued for two New Territories Exempted Houses on Lots 1649 S.A and 1649 RP respectively. Apart from this, no approval had been given for the specified structures such as open shed. However, application for Short Term Waiver had been received and was being processed. The site was directly accessible to Kam Sheung Road via government land (GL). His office did not provide maintenance works on this GL nor guarantee right of way. Should the application be approved, the lot owner and occupier of the GL concerned would still need to apply to his office to permit structures to be erected or regularise any irregularities on the site. Such application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to adopt environmental mitigation measures as set out in the “Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;

- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that necessary measures should be adopted to prevent disturbing the trees surrounding the site;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorised structures on the site, which were liable for action under section 24 of the Buildings Ordinance (BO), should be removed. The granting of this planning approval should not be construed as condoning to any unauthorised structures on the site under the BO and the allied regulations. Action 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 structure for approval under the BO was required. If the site did not abut a specified street having a width not less than 4.5m, the development intensity should be determined under the Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The applicant should also observe the requirement on provision of emergency vehicular access to all building under B(P)R 41D;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirement would be formulated upon formal submission of general building plans and referral from the licensing authority;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was underground cable (an/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (an/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred

working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (i) to note the comments of the Director of Food and Environmental Hygiene that any food business carrying on at the site should be granted with a licence issued by him. The applicant should also prevent creating environmental nuisance affecting the public.

Agenda Item 50

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/619 Renewal of Planning Approval for “Temporary Container Trailer/Tractor Park” Use under Application No. A/YL-PH/558 for a Period of 3 Years in “Open Storage” zone, Lots 854 (Part) and 856 (Part) in D.D. 111 and Adjoining Government Land, Chung Yan Pei, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/619)

Presentation and Question Sessions

212. 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 renewal of planning approval for temporary container trailer/tractor park use under Application No. A/YL-PH/558 for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (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 use under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. According to the TPB Guidelines No. 13E, the site fell within Category 1 areas where favourable consideration would be given to applications within the 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 applied use was in line with the planning intention of the “Open Storage” zone and the development was compatible with the open storage yards and workshops nearby. The application also generally complied with the TPB Guidelines No. 13E in that no adverse comments from relevant government departments and local objections had been received. Since the last approval (No. A/YL-PH/558) for the same use on the site, there was no major change in planning circumstances and the applicant had complied with the approval conditions. Nevertheless, to minimise the potential environmental impacts on the surroundings, the stipulation of approval condition restricting the operation hours of the site, as proposed by the applicant, and other approval conditions restricting dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities, types of vehicles on-site and restricting all reversing manoeuvring of vehicles to be carried out inside the site were

recommended.

213. Members had no question on the application.

Deliberation Session

214. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying and other workshop activities should be carried out at the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked on the site at any time during the planning approval period;
- (d) all reversing manoeuvring of vehicles for operations should be carried out inside the site at any time during the planning approval period;
- (e) all drainage facilities for the development should be maintained properly on the site at any time during the planning approval period;
- (f) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;
- (g) in relation to (f) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;

- (h) the submission of records of existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (j) in relation to (i) above, the provision 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 15.1.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) 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; and
- (l) if any of the above planning conditions (f), (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.

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

- (a) to resolve any land issues relating to the development with concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the lots were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. The site was accessible through an informal village track on private land from Fan Kam Road. His office did not provide maintenance works on the track nor guarantee right of way. The

lot owner and occupier of the government land needed to apply to his office to permit any additional/excessive structures to be erected or regularise any irregularities on-site. The application would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If the application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (c) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of local access which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Director of Environmental Protection that the applicant should follow the latest “Code of Practice on Handling Environment Aspects of Temporary Uses and Open Storage Sites” issued by Environmental Protection Department;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there were signs showing landscape trees under previous application might not have been maintained properly. The applicant should submit a revised tree preservation proposal including the location and photo record of all existing trees;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant should submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In addition, the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly

marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed, the applicant was required to provide justification to his department for consideration;

- (g) 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. Water mains in the vicinity of the site could not provide the standard pedestal hydrant; and

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

Agenda Item 51

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/163 Temporary Open Storage of Vehicles (Buses, Minibuses, Private Cars and Goods Vans) that were Pending Repairing or Having Been Repaired for a Period of 3 Years in “Agriculture” zone, Lots 1324 (Part) and 1328 (Part) in D.D. 114, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-SK/163)

Presentation and Question Sessions

216. 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 vehicles (buses, minibuses, private cars and goods vans) that were pending repairing or having been repaired for a period of three years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as the site had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) had reservation on the application as there were sensitive receivers in the vicinity of the site, and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the temporary use under application was not compatible with and had adversely affected the rural character of the area;

- (d) three public comments were received during the statutory publication period. The three commenters, including two Yuen Long District Council (YLDC) members and Designing Hong Kong Ltd., raised concerns on or objected to the application mainly on the grounds of adverse environmental and traffic impacts of the development on the area, land use incompatibility with the planning intention of the “Agriculture” (“AGR”) zone and setting a bad precedent for other similar applications. Designing Hong Kong further suggested that, if the application was approved, conditions on the provision of landscaping and peripheral fencing should be imposed. The District Officer (Yuen Long) advised that a letter from a YLDC member, which had also been sent directly to the TPB during the statutory publication period, had been received; 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. According to the TPB Guidelines No. 13E, the site fell within Category 3 areas where applications would not be favourably considered unless the applications were on sites with previous planning approvals and sympathetic consideration might not be given unless the applicants had demonstrated genuine efforts in compliance with the approval conditions and included in the applications relevant technical assessments to demonstrate that the proposed uses would not generate adverse impacts on the surrounding area. The development was not in line with the planning intention of the “AGR” zone and in this regard, DAFC did not support the application. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis. The application did not comply with the TPB Guidelines No.13E in that no previous planning approval had been granted for the applied use on the site and no relevant technical assessments/proposals had been included in the submission to demonstrate that it would not generate adverse environmental and landscape impacts on the surrounding area. In this regard, DEP did not support the application. CTP/UD&L of PlanD also had objection to the application as there appeared to have been vegetation clearance on part of the site and the development was not

compatible with the existing rural village landscape character. There had not been any planning approval for temporary open storage use in the same “AGR” zone before and approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications. There were three public comments on the application raising objections/concerns on environmental and traffic impacts, land use incompatibility and the setting of undesirable precedent of approving the application.

217. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes, and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines No. 13E in that no previous planning approval had been granted for the applied use on the site, no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental and landscape impacts on the surrounding area, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the residential uses located to its immediate east and southwest and in the vicinity and with the rural character of the area; and

- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications into the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 52

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/282 Temporary Canteen for a Period of 3 Years
in “Village Type Development” zone,
Lots 1187 S.O (Part), 1187 S.Q (Part) and 1187 S.R (Part) in D.D. 117
and Adjoining Government Land, Shap Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-TT/282)

Presentation and Question Sessions

219. 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 canteen for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment from a member of general public was received during the statutory publication period. The commenter objected to the application as cooking fumes from the canteen were often dispersed to the neighbours, affecting their living environment and health, and some of the structures on-site were illegal; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary uses under application could be tolerated for a period of three years based on the assessment made in paragraph 12 of the Paper. Although the development was not entirely in line with the planning intention of the “Village Type Development” (“V”) zone for development of Small Houses by indigenous villagers, the canteen could provide catering services for serving the needs of the villagers as well as the workers and visitors in the vicinity. The surrounding area of the site was characterised by a mix of land uses including village houses, vehicle repairing workshops, car parks, open storage yards and restaurants. The development was considered compatible with the surroundings and hence would not adversely affect the rural character of the area. The District Lands Officer/Yuen Long advised that there was no Small House application at the site and approval of the development on a temporary basis would not frustrate the long-term planning intention of the “V” zone. The development generally complied with the TPB Guidelines No.15A in that the canteen was located at the fringe of Tai Tong Tsuen and had direct access to Tai Tong Shan Road. Similar applications for eating places (Applications No. 114, 149, 192, 249 and 272) in the vicinity of the site had been granted. Relevant government departments had no adverse comments on the application. Regarding the public comment raising objection that the cooking fumes from the canteen might affect its neighbours' living environment and health, and some of the structures on-site were suspected illegal structures, there were no complaints against the canteen received by the Director of Environmental Protection (DEP) in the past three years. The applicant had also proposed to install oil separator to separate oil from cooking smoke. DEP considered that oily fume and cooking odour emissions from cooking processes were under the control of the Air Pollution Control Ordinance and there was no need to include an approval condition on this aspect. On the building aspects, the Chief Building Surveyor/New Territories West of Buildings Department had no objection to the application subject to the provisions under the Buildings Ordinance.

220. Members had no question on the application.

Deliberation Session

221. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.10.2011;
- (c) in relation to (b) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.1.2012;
- (d) the submission of revised 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 15.10.2011;
- (e) in relation to (d) above, the implementation of the revised tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (g) in relation to (f) above, the implementation of drainage facilities within 9

months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.1.2012;

- (h) 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 15.10.2011;
- (i) in relation to (h) 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 15.1.2012;
- (j) if the above planning condition (a) 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; and
- (k) if any of the above planning conditions (b), (c), (d), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that no structures were allowed to be erected without prior approval of the Government. No approval had been given for the specified structures including converted containers for eating area, kitchens, storerooms, toilet and open sheds uses. No permission had been given for occupation of the government land (GL) within the site. The site was accessible to Tai

Tong Shan Road via a short stretch of GL. His office provided no maintenance works on the GL nor guarantees right-of-way. The lot owners and occupier of GL needed to apply to his office to permit structures to be erected or regularise any irregularities on-site. Such applications would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such applications were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (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. Furthermore, 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 the access arrangement to the site should be commented and agreed by the Transport Department (TD). If TD agreed on the proposed access arrangement, the applicant should construct a run-in/out at the access point at Tai Tong Shan Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing pavement. Adequate drainage measures should be provided at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains. His department should not be responsible for the maintenance of any vehicular access between the site and Tai Tong Shan Road;
- (f) 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 for implementation of appropriate mitigation measures. The applicant should observe the Water Pollution Control Ordinance regarding the effluent discharge arising from the proposed canteen. Also, oily fume and cooking odour emissions from cooking

processes were under the control of the Air Pollution Control Ordinance. The owner or operator of the canteen needed to take appropriate measures to minimise the emissions to avoid causing adverse impacts to the sensitive receivers;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that based on his recent site visit, 8 existing trees and 1 dead tree were located along the northern perimeter of the site boundary. The landscape proposal submitted under the application was considered acceptable from the landscape perspective. However, as 1 tree was found dead, the landscape proposal which indicated 9 existing trees within the site should be rectified;
- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the sizes of the proposed catchpits and the existing drainage system for collecting the discharge from the proposed drainage facilities should be shown on the proposed drainage plan;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to make reference to the requirements in Appendix IV of the RNTPC paper;
- (j) to note the comments of the Director of Food and Environmental Hygiene that the meal takers should be restricted to the workers of a designated work place. Otherwise a food licence granted by him was required. The applicant should be advised to prevent creating environmental nuisance affecting the public;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures that apparently had not been

obtained approval under the Buildings Ordinance (BO) should be removed. The proposed open shed, kitchen, eating area and converted container storerooms and toilets were subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII. If the site was not abutting a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage. Provision of emergency vehicular access was applicable under B(P)R 41D, and access to site under B(P)R 5 was also applicable. Provision of disable facilities was applicable under B(P)R 72 and the Design Manual for Barrier Free Access 2008. Provision of natural lighting and ventilation for toilets and kitchen was applicable under B(P)R 36 and 30 respectively. The provision of means of escape was applicable under B(P)R 41(1) and Code of Practice for Means of Escape in case of Fire. The provision of fire resisting construction was applicable under the Building (Construction) Regulations 90 and Code of Practice for Fire Resisting Construction. The provisions of sanitary fitments and drainage discharge were applicable under the Building (Standard of Sanitary Fitments, Plumbing, Drainage Works and Latrine) Regulations. Formal submission under the Buildings Ordinance was required for any proposed new works, including any temporary structures. Detailed comments would be made at the building plan submission stage. The granting of the planning approval should not be construed as an acceptance of the unauthorised structures on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works should circumstances require; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier

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

Agenda Item 53

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/283 Proposed House (New Territories Exempted House - Small House)
 in “Agriculture” zone,
 Lot 257 (Part) in D.D. 116, Yeung Uk Tsuen, Yuen Long
 (RNTPC Paper No. A/YL-TT/283)

Presentation and Question Sessions

223. 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 house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) did not support the application as the site was outside the proposed village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone. The Director of Agriculture, Fisheries and Conservation (DAFC) objected to the application as the site had high potential for agricultural rehabilitation.

The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as development of the proposed Small House would impose moderate changes or disturbances to the existing landscape character of the area, no tree preservation and compensatory planting proposals were submitted, and approving the application might encourage similar uses in the area;

- (d) seven public comments were received during the statutory publication period. The commenters, including four villagers of Yeung Uk Tsuen, Designing Hong Kong Ltd., Hong Kong Bird Watching Society and Kadoorie Farm and Botanic Garden, objected to the application because the site was a piece of agricultural land, with active agricultural activities on the nearby farmland, a number of resident and migratory bird species were recorded on site, the site was rural in nature acting as an amenity area for the villagers, the proposed Small House would involve tree felling, and the development would create adverse impacts on the surrounding area; 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 did not comply with the 'Interim Criteria for Consideration of Application for NTEH/Small House in New Territories' in that both the site and the footprint of the proposed Small House fell entirely outside the proposed 'VE' and "V" zone, and there was no general shortage of land for Small House developments in the subject "V" zone. In this regard, DLO/YL did not support the application. As the applicant failed to demonstrate in the submission why suitable sites within the area zoned "V" could not be identified for the proposed Small House, the current application did not warrant sympathetic consideration. The proposed Small House development was not in line with the planning intention of the "Agriculture" ("AGR") zone and DAFC did not support the application as farming activity in the area was still very active. There were also concerns made by CTP/UD&L of PlanD on the application from the landscape planning perspective. Since the rejection of the previous application No. A/YL-TT/265, which covered the whole lot of the subject

Lot 257 in D.D. 116, by the TPB on review on 19.11.2010, there was no change in the planning circumstances and no strong planning justification had been given in the submission to justify for a departure from the planning intention. The applicant quoted an appeal No. 5 of 2003 which was related to a previous application No. A/YL-TT/134 for a temporary shop for second hand electrical appliance and stainless steel kitchen-wares with ancillary facilities for a period of three years on a site zoned “AGR” on the Tai Tong OZP. The appeal was allowed by the Town Planning Appeal Board (TPAB) on 30.8.2003 as TPAB considered that there was no evidence or any suggestion that any effective action would be taken to ensure the areas were to be reinstated for agricultural purposes. However, it was of a different nature to the current application in that the appeal was related to a temporary shop, and the site had long been levelled, paved and used for the subject shop before the planning application. The site and its vicinity were not in active cultivation, and the surrounding areas were dominated by open storage, workshop and warehouse uses. Moreover, the shop use was on a temporary basis. The current application had a totally different context from the quoted appeal and could not be compared. There were objections received from the villagers of Yeung Uk Tsuen and conservation groups against the application during the statutory public inspection period.

224. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in New Territories’ in that the site and the footprint of the proposed NTEH fell entirely outside the proposed ‘environs’ of Yeung Uk Tsuen and “Village Type

Development” (“V”) zone. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. The applicant failed to demonstrate in the submission why suitable sites within the area zoned “V” could not be made available for the proposed Small House development. There were no exceptional circumstances to justify approval of the application; and

- (b) the proposed development was not in line with the planning intention of the “Agriculture” zone which was intended primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify for a departure from the planning intention.

Agenda Item 54

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/528 Temporary Warehouse for Storage of Construction Materials
and Household Materials for a Period of 3 Years
in “Undetermined” zone,
Lot 1162 RP (Part) in D.D. 119 and Adjoining Government Land,
Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/528)

Presentation and Question Sessions

226. 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 warehouse for storage of construction materials and household materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential developments in the vicinity of the site, and environmental nuisance was expected. There was however no environmental complaint concerning the site received in the past three years;
- (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 use under application could be tolerated for a period of three years based on the assessment made in paragraph 11 of the Paper. The development was not in conflict with the planning intention of the “Undetermined” zone and was compatible with the surrounding areas which were mixed with warehouses, open storage yards and workshop. Since there was no known programme for permanent development, approval of the application on a temporary basis would not frustrate the long-term use of the area. Although DEP did not support the application, the development was for storage purpose mainly in an enclosed warehouse structure. The applicant also proposed not to operate the site during night time, not to carry out workshop activities and to use goods vehicles under 24 tonnes for transportation of goods. Nevertheless, to address DEP's concerns, approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of heavy goods vehicles were recommended. Other than DEP, relevant government departments consulted generally had no adverse comment on the application.

227. Members had no question on the application.

Deliberation Session

228. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.4.2014, 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 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;
- (c) no open storage was allowed on the application site at any time during the planning approval period;
- (d) no 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 heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter/exit the application site at any time during the planning approval period;
- (f) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.10.2011;
- (g) in relation to (f) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.1.2012;
- (h) the submission of tree preservation and landscape proposals within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.10.2011;

- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.1.2012;
- (j) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.10.2011;
- (k) in relation to (j) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.1.2012;
- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.10.2011;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.1.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (o) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l) or (m) 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
- (p) 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.

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

- (a) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the land owners and the occupier of the government land would need to apply to his office permit structures to be erected or regularise any irregularities on-site. Such applications would be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such applications were approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access of the site was opened onto Kung Um Road via a short stretch of government land. His office provided no maintenance works on this government land nor guarantees right-of-way. The access also abutted the boundary of the Drainage Services Department (DSD)'s "PWP Item 4368DS (part-upgraded from 4235DS) in May 2009 – Yuen Long South Branch Sewers" project on Government Land Allocation No. GLA-TYL 1278;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at Kung Um Road should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing pavement. Adequate drainage measures should be provided at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains. His department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (d) 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 minimise any potential environmental nuisances;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that 3 of the proposed trees as indicated in the submitted landscape plan should be existing trees instead. Different symbols should be used to differentiate the proposed and existing trees in order to avoid confusion;
- (f) to note the comments of the Chief Engineer/Mainland North, DSD that the sizes of the proposed catchpits and the details of connection with the existing stream should be shown on the drainage proposal. The applicant should check and demonstrate that the hydraulic capacity of the existing stream would not be adversely affected by the development. Catchpits should be provided at the turning points along the proposed 225mm u-channel. The size of the proposed u-channel at the southern part of the site should be indicated on the drainage proposal and such u-channel should be extended to the western part of the site in order to thoroughly intercept all runoff falling onto the site. Moreover, DLO/YL and the relevant lot owners should be consulted as regard all proposed drainage works outside the site boundary or outside the applicant’s jurisdiction;
- (g) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix III of the RNTPC 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;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the existing structures that apparently had not been obtained approval under the Buildings Ordinance (BO) should be removed. Formal submission under the BO was required for any proposed new works, including any temporary structures. The proposed

toilets, storeroom and open shed were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. 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 B(P)R 19(3) at the building plan submission stage. Moreover, the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorised works should circumstances require; and

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

[The Chairman thanked Ms. S.H. Lam, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members’ enquires. Ms. Lam, Mr. Fung and Mr. Yuen left the meeting at this point.]

Agenda Item 55

Any Other Business

230. There being no other business, the meeting was closed at 7:45 p.m..