

TOWN PLANNING BOARD

Minutes of 461st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 16.3.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Professor Paul K.S. Lam

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. W.K. Yau

Chief Traffic Engineer/New Territories West,
Transport Department
Mr. W.C. Luk

Assistant Director (2), Home Affairs Department
Mr. Eric K.S. Hui

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

Assistant Director/New Territories
Lands Department
Ms. Anita K.F. Lam

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

Secretary

Absent with Apologies

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Mr. Rock C.N. Chen

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Mr. Stephen M.W. Yip

In Attendance

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

Chief Town Planner/Town Planning Board
Miss H.Y. Chu

Town Planner/Town Planning Board
Ms. Kathy C.L. Chan

Agenda Item 1

Confirmation of the Draft Minutes of the 460th RNTPC Meeting held on 24.2.2012

[Open Meeting]

1. The draft minutes of the 460th RNTPC meeting held on 24.2.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

2. The Secretary reported that on 24.2.2012, the Committee agreed that the consideration of Application No. A/TP/516 would be deferred to this meeting pending the departmental comments on the applicant's further information, which was only submitted to the Town Planning Board Secretariat three days before the meeting. However, as the departmental comments were still awaited, the Secretary said that the application would be submitted to the Committee for consideration upon the receipt of relevant departmental comments. Members agreed.

General

[Mr. Wilson W.S. Chan, District Planning Officer/Tsuen Wan and West Kowloon (DPO/TWK), Mr. Ivan M.K. Chung, District Planning Officer/Sai Kung & Islands (DPO/SKIs), Mr. W.K. Hui, District Planning Officer/Shau Tin, Tai Po and North (DPO/STN), Mr. W.W. Chan, District Planning Officer/Tuen Mun and Yuen Long (DPO/TMYL), and Ms. Ann O.Y. Wong, Senior Town Planner/New Territories District Planning Division Headquarters (STP/NTHQ), were invited to the meeting at this point.]

Agenda Item 3

[Open Meeting]

Review of Sites Designated “Comprehensive Development Area”
on Statutory Plans in the New Territories for the Year 2011/2012
(RNTPC Paper No. 4/12)

3. Ms. Ann O.Y. Wong, STP/NTHQ, said that it had been the Town Planning Board (the Board)’s practice to review, on an annual basis, the “Comprehensive Development Area” (“CDA”) zoning for sites that had been designated for more than three years. The review would assist the Committee in considering the rezoning of suitable “CDA” sites to other appropriate zonings, and monitoring the progress of “CDA” developments. With the aid of a PowerPoint presentation, Ms. Wong presented the results of the latest review on “CDA” sites in the New Territories as detailed in the Paper and made the following main points:

- (a) there were a total of 66 “CDA” sites in the New Territories by the end of March 2012, including 3 sites designated on the Ping Shan Outline Zoning Plan (OZP) for less than three years. The subject review covered 63 “CDA” sites that had been designated for more than three years. Of the 63 sites, 29 of them had no approved Master Layout Plan (MLP) and the remaining 34 had approved MLP;

“CDA” Sites with No Approved MLP

- (b) among the 29 “CDA” sites with no approved MLP, 22 sites were proposed for retention, five sites were previously agreed to be rezoned and two sites were identified with potential for rezoning;
- (c) among the 22 sites proposed for retention, proposals for four sites were actively being pursued with MLPs being prepared; the approved MLPs for five sites had lapsed and the applicants were reviewing the development proposals for the sites; the review of land use proposals for five sites were subject to the findings of on-going or proposed planning studies; and eight sites were subject to such concerns as traffic, environmental and/or visual

impacts which needed to be properly addressed. Detailed justifications for their proposed retention were provided in Appendix I of the Paper;

- (d) five “CDA” sites were previously agreed by the Committee to be rezoned. However, the rezoning of four “CDA” sites in Ha Tsuen (NTW 10, 11, 12 and 13) was held back until completion of the Hung Shui Kiu New Development Area Study as the sites fell within the study boundary. For the Former Burma Lines Military Sites at Fanling (NTE 19), it had been zoned “CDA” since 1999 for a comprehensive residential cum open space development. On 24.2.2012, the Committee agreed to rezone a major portion of the site from “CDA” to “Government, Institution or Community (2)” to facilitate the proposed post-secondary college and/or international school development, and a minor portion (mainly vegetated woodland and slopes) of the site to “Green Belt”. Details of these sites were given in Appendix II of the Paper;
- (e) the remaining two “CDA” sites were proposed for rezoning as detailed in Appendix III of the Paper. For the “CDA” site abutting Tung Wui Road and Kam Po Road, Kam Tin (NTW 49), the Director of Leisure and Cultural Services confirmed that the public landscaped area should be separated from the private residential development under the prevailing public open space policy. In this regard, amendment to the “CDA” zoning of the site was required. Another “CDA” site was at Whitehead Headland in Ma On Shan (MOS 1). On 10.2.2012, the Committee agreed to rezone the site from “CDA” to “Recreation”, “CDA(2)” and “CDA(3)” to facilitate the proposed residential, sports and recreational development;
- (f) in the last review, there was another “CDA” site at Ma Liu Shui San Tsuen (NTE 9) identified with potential for rezoning. Upon initial review by the Planning Department (PlanD), it was noted that the existing soya sauce factory was still actively in use and the previous intention of redeveloping the existing factory to accommodate another soya sauce factory was still valid. As such, it was considered appropriate to retain the “CDA” zoning for this site. Detailed justifications for retaining the “CDA” zone for this

site (NTE 9) were in Appendix I of the Paper;

“CDA” Sites with Approved MLP

- (g) among the 34 “CDA” sites, 26 sites were proposed for retention, four sites had been agreed for rezoning, three sites were proposed for rezoning and one site had the potential for rezoning;
- (h) the 26 “CDA” sites proposed for retention either had some progress in terms of the processing of lease matters/building plans or were at various stages of building construction and implementation. Retention of the “CDA” designations for these sites was considered necessary to ensure that the development was properly implemented in accordance with the approved MLPs and approval conditions. Detailed justifications for the retention of these sites were provided in Appendix IV of the Paper;
- (i) four sites had previously been agreed by the Committee for rezoning. The residential developments of the “CDA” sites at Tak Yip Street, Yuen Long New Town (NTW 20) and Yuen Long New Town (YL-A1), which were known as Parcville and Yoho Town 1 respectively, had been completed. As the proposed rezoning of these two “CDA” sites to residential zones was technical in nature, the zoning amendments would be submitted to the Committee for consideration in the next round of OZP amendment. The other two sites at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (NTW 29) and to the east of Ping Ha Road and north of Castle Peak Road, Ping Shan (NTW 44) would be rezoned to appropriate zonings to reflect the completed residential uses, whereas the zoning of the residual portion of the sites would be reviewed. The progress of these four sites were detailed in Appendix V of the Paper;
- (j) three sites were proposed for rezoning as detailed in Appendix VI of the Paper. The residential development at the “CDA” site at Castle Peak Road, Hung Shui Kiu, Yuen Long (NTW 22) had been completed and all the planning conditions had been complied with. Another “CDA” site

was located to the northeast of Lingnan University Main Campus at Fu Tei, Tuen Mun (NTW 32A). Implementation of the residential development was divided into two phases. Phase I of the development, known as Beneville, had been completed. Consideration would be given to rezone the portion of these two “CDA” sites that had been developed to reflect the existing use and to review the zoning of the remaining portions. The other “CDA” site was at Tung Wan and Tung Wan Tsai, Ma Wan Island (NTI 2). The building works of the Park Island had been substantially completed. The applicant was in the process of liaising with the Transport Department regarding the discharge of approval condition in relation to contingency plan for traffic arrangement. The site would be rezoned to appropriate zonings upon full compliance of the approval conditions;

[Mr. Eric K.S. Hui of Home Affairs Department arrived to join the meeting at this point.]

- (k) one “CDA” site had been identified with potential for rezoning as detailed in Appendix VII of the Paper. The development of the “CDA” zone in Tung Chung Town Centre (TCTL 1, 2, 3, 4 and 5) (NTI 3) had been completed. All the approval conditions had been discharged and the Certificate of Compliance has been issued by Lands Department. The site had the potential for rezoning to other appropriate zones to reflect its as-built conditions; and
- (l) to sum up, out of the 63 “CDA” sites reviewed, 48 sites were proposed for retention, nine sites had already been agreed for rezoning and six sites were either proposed or with potential for rezoning.

4. A Member asked what would be the future zonings for the five sites proposed for rezoning and the one site identified with potential for rezoning. Ms. Ann O.Y. Wong said that normally the future zonings would reflect the as-built conditions of the sites concerned. For example, the three “CDA” sites proposed for rezoning in Hung Shui Kiu (NTW 22), Tuen Mun (NTW 32A) and Ma Wan (NTI 2) might be rezoned to residential zones to reflect the completed residential developments.

5. The Chairperson remarked that the subject annual review was only to give Members an overview of the results of reviewing the “CDA” sites in the New Territories. In general, Members noted the findings of the review and agreed to PlanD’s recommendation for individual sites as detailed in the Paper.

6. After deliberation, the Committee decided to :

- (a) note the findings of the review of the sites designated “Comprehensive Development Area” (“CDA”) on statutory plans in the New Territories;
- (b) agree to the retention of the “CDA” designation for the sites mentioned in paragraphs 4.1.1 and 4.2.2 and detailed at Appendices I and IV of the Paper;
- (c) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.1.3 and 4.2.3 and detailed at Appendices II and V of the Paper;
- (d) agree in-principle to the proposed rezoning of the “CDA” sites in paragraphs 4.1.5, 4.2.4 and 4.2.5 and detailed at Appendices III and VI of the Paper; and
- (e) note the site with potential for rezoning in paragraph 4.2.6 and detailed at Appendix VII of the Paper.

[The Chairman thanked Mr. Wilson W.S. Chan, DPO/TWK, Mr. Ivan M.K. Chung, DPO/SKIs, Mr. W.K. Hui, DPO/STN, Mr. W.W. Chan, DPO/TMYL, and Ms. Ann O.Y. Wong, STP/NTHQ, for their attendance to answer Members’ enquires. They all left the meeting at this point.]

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/I-DB/1 Application for Amendment to the
Approved Discovery Bay Outline Zoning Plan No. S/I-DB/4
from “Other Specified Uses (Amenity Area)” and ‘Road’ to
“Other Specified Uses (Toll Plaza)”,
Land west of Yi Pak North Roundabout, Discovery Bay, Lantau Island
(RNTPC Paper No. Y/I-DB/1)

7. The Secretary said that on 24.2.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to provide further information in response to the comments of government departments and to consider the issues raised in the public comments on the application.

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

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/125 Proposed House Redevelopment with Minor Relaxation of Building Height Restriction from 7.62m to 8.23m and Plot Ratio Restriction from 0.366 to 0.43 in “Coastal Protection Area” zone,
Lot 365 (Part) and Adjoining Government Land in D.D. 329,
32 San Shek Wan, Lantau Island
(RNTPC Paper No. A/SLC/125)

Presentation and Question Sessions

9. Mrs. Margaret W.F. Lam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house redevelopment with minor relaxation of building height restriction from 7.62m to 8.23m and plot ratio restriction from 0.366 to 0.43;
- (c) departmental comments – the District Lands Officer/Islands (DLO/Is) had no objection to the application. He advised that the Lot under application was an Old Schedule Lot held under Block Government Lease (BGL). The Lot had a total area of about 0.1 acre including 0.03 acre for ‘House’ purpose. A development of built-over area not exceeding 65.03m² and not more than 3 storeys with maximum height of 8.23m should be permitted under the BGL. According to the approval letter for redevelopment on the Lot dated 7.4.1978, the maximum roofed over area of the building should not exceed 700ft² (65.03m²) and the height of the building should not exceed 25ft (7.62m). The building had a total gross floor area (GFA) of 1 800ft². Besides, it was noted that the boundary wall stood on government land without prior approval. The applicant should set back

the boundary wall to the lot boundary or apply to the Lands Department for Short Term Tenancy. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. While the proposed relaxation would not result in adverse visual impact, the proposed redevelopment had no design merit;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the application involved an in-situ redevelopment of an existing three-storey house (7.62m) with a total GFA of 167.22m² into a three-storey New Territories Exempted House (8.23m) with a total GFA of 195.09m². There were no changes to the footprint and site coverage of the proposed development as compared with the existing building. The proposed relaxation of GFA from 167.22m² to 195.09m² (+27.87m² or +16.67%) (equivalent to an increase in plot ratio from 0.366 to 0.427) and building height from 7.62m to 8.23m (+0.61m or +8%) were considered minor. The proposed house redevelopment was also considered compatible with the surrounding developments in terms of scale, intensity and nature. To the immediate southeast of the application site were two low-rise residential developments. One was a two-storey village house whilst the other was a three-storey residential building under construction (which was approved by the Committee under Application No. A/SLC/80 on 14.1.2005). Although the proposed redevelopment was not in line with the planning intention of the “Coastal Protection Area” zone, it would not cause adverse impacts on the existing drainage, sewerage and transport infrastructures as confirmed by the relevant government departments, including the

Drainage Services Department, Water Supplies Department, Environmental Protection Department and Transport Department;

- (ii) for in-situ redevelopment of village houses outside the “Village Type Development” zone, it was the Town Planning Board’s established practice to take into account the lease entitlement of the application site and sympathetic consideration might be given on exceptional circumstances if the lease entitlement was established and there was no adverse planning implications. For the subject application, the proposed in-situ redevelopment of the existing village house would have no adverse planning implications. Besides, the proposed development parameters of the application (i.e. a building height of three storeys (8.23m) and a GFA of 195.09m²) were to reflect the lease entitlement as confirmed by DLO/Is. Therefore, the site with a building status under the lease could be considered as exceptional circumstances and sympathetic consideration could be given to the proposed in-situ redevelopment with minor relaxation of building height and plot ratio restrictions; and

- (iii) the site was a piece of developed land and there would be no felling of trees and vegetation involved in the proposed redevelopment. The Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. Although CTP/UD&L had reservation on the application from the design and landscape perspectives, the proposed house was an in-situ redevelopment with the same footprint and would not cause adverse visual and landscape impacts on the surrounding areas. To avoid any potential impacts on the existing landscape resources, relevant approval condition on the submission and implementation of a landscape proposal was recommended.

10. Members had no question on the application.

Deliberation Session

11. 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 16.3.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands that the boundary wall stood on government land without prior approval. The applicant was required to either set back the boundary wall to the lot boundary or apply to the Lands Department for a Short Term Tenancy;
- (b) to note the comments of the Chief Building Surveyor/NTE1&L, Buildings Department (BD) that should site formation works be involved, the related site formation works should be submitted to BD for approval and an Authorized Person should be appointed to coordinate the works; and
- (c) 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 which was administered by BD, and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

[The Chairman thanked Mrs. Margaret W.F. Lam, STP/SKIs, for her attendance to answer Members' enquires. Mrs. Lam left the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/194 Temporary Eating Place (Restaurant) for a Period of 3 Years
 in an area shown as 'Road',
 G/F, 11A Po Tung Road,
 Lot 1813 in D.D. 221, Sai Kung
 (RNTPC Paper No. A/SK-PK/194)

Presentation and Question Sessions

13. Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the 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) during the first three weeks of the statutory publication period, one public comment was received from local residents objecting to the application on the grounds of potential nuisance to local residents; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:

- (i) the application premises fell within an area designated as 'Road' forming part of the land reserved for the future widening and junction improvement of Hiram's Highway. The Highways Department advised that the Hiram's Highway Improvement Stage 2 project would not be commenced by mid-2015 and the application would not affect the project. It was therefore envisaged that the existing eating place on a temporary basis for three years up to March 2015 would not frustrate the planning intention of the area designated as 'Road', and the implementation of the road improvement works would not be affected. Both the Transport Department and Highways Department had no objection to the application;
- (ii) the application premises was located at the fringe of Sai Kung Town. There were several retail shops and restaurants on the ground floor of the nearby village houses providing convenient retail and catering services for the neighbourhood. The existing eating place on a temporary basis was not incompatible with the surrounding uses at ground level;
- (iii) the existing eating place was small in scale (with an area of about 48m²) occupying the ground floor of an existing village house. It was considered not incompatible with the surrounding existing residential developments and there were unlikely any adverse traffic, environmental and infrastructural impacts on the locality; and
- (iv) as regards the public concern on potential nuisance to local residents, it should be noted that the existing eating place was accommodated within an existing building and was small in scale. Regarding the environmental concerns raised by the commenter, the Environmental Protection Department advised that the operator was required to observe the requirements under relevant environmental legislation such as Air Pollution Control Ordinance, Noise Pollution Control Ordinance, Water Pollution Control Ordinance, etc. to avoid causing

nuisance to the local residents. In order to address the concern on potential nuisance to the residents, an approval condition to restrict the operation hours of the eating place from 7:00 am to 10:00 pm was recommended.

14. Members had no question on the application.

Deliberation Session

15. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.3.2015, 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. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period; and
- (b) 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.

16. 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) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department (BD) that for unauthorised building works (UBW), if any, erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW, if any, at the application premises under the Buildings Ordinance. The application premises to be used for

'Eating Place' was required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the application premises, 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 connection, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Environmental Protection that the operator of the eating place (restaurant) was required to observe the requirements under relevant environmental legislations such as the Air Pollution Control Ordinance, Noise Pollution Control Ordinance, and Water Pollution Control Ordinance etc.; and
- (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 general building plans and referral from relevant licensing authority.

[The Chairman thanked Mr. C.F. Yum, STP/SKIs, for his attendance to answer Members' enquires. Mr. Yum left the meeting at this point.]

Sha Tin, Tai Po and North District

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/FSS/9 Application for Amendment to the
Draft Fanling/Sheung Shui Outline Zoning Plan No. S/FSS/15
from “Industrial” to “Other Specified Uses” annotated “Columbarium”,
23 Yip Cheong Street, Fanling (FSSTL 163)
(RNTPC Paper No. Y/FSS/9)

17. The Secretary said that on 22.2.2012, the applicant’s representative requested for a deferment of the consideration of the application in order to allow time for the applicant to address certain minor technical issues raised by government departments. On 14.3.2012, the applicant’s representative first indicated that the application be deferred to the meeting held on 1.6.2012, and then clarified that a 2-month deferral would be requested instead.

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

[Mr. P.K. Ip, Ms. Doris S.Y. Ting and Mr. Edward W.M. Lo, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-STK/1 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” and “Village Type Development” zones,
Government Land in D.D. 40, Shan Tsui Village, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/1)

Presentation and Question Sessions

19. Mr. P.K. Ip, 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) advised that the site inspection conducted in January 2012 revealed that the application site and its vicinity were vegetated and located away from other Small Houses of Shan Tsui Village. The proposal was against the planning intention and approval of the application would set an undesirable precedent for other similar applications. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed Small House was considered incompatible with the existing landscape character of the surroundings. It was expected that a large number of existing mature trees in the adjacent area would be felled arising from the construction and site formation works of the proposed development. The landscape quality of the area would deteriorate and the intactness of the “Green Belt” “(GB)” zone would be undetermined;

- (d) during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application mainly on the grounds that the proposed Small House was incompatible with the zoning intention of “GB” and character of the area; a sustainable village layout with quality urban design was not available; approving the application in the absence of a sustainable layout would deteriorate the living environment in the village, adversely affect the well-being of residents and create health/social problems; and consideration of the application should be deferred until the plan-making process of the Development Permission Area Plan covering the application site had been completed;
- (e) the District Officer (North) advised that the Chairman of Sha Tau Kok District Rural Committee and the concerned Village Representative (VR) did not express any comment on the application. The locals consulted and another concerned VR objected to the application because it would affect the *fung shui* woodland. The concerned North District Council member had no comment; and
- (f) the PlanD’s views – PlanD did not support the application and its assessments were set out in paragraph 13 of the Paper and were summarised below:
 - (i) there was a general presumption against development within the “GB” zone. The application site and the footprint of the proposed Small House fell largely within the “GB” zone and the proposed development was not in line with the planning intention of the “GB” zone. In this regard, DAFC advised that the recent site inspection revealed that the application site and its vicinity were vegetated and isolated from other existing Small Houses of Shan Tsui Village. The application was against the planning intention and approval of the application would set an undesirable precedent for other similar applications. CTP/UD&L also advised that felling of mature trees in the adjacent area due to the proposed Small House and associated

site formation was anticipated. He objected to the application as the proposed Small House would have significant disturbance to the existing landscape resources, and the approval of the application would deteriorate the landscape quality of the area and intactness of the “GB” zone;

- (ii) there was sufficient land in the “Village Type Development” zone of Shan Tsui and Tam Shui Hang Villages to meet the demand of village houses (i.e. about 10.4 ha of land which was equivalent to about 417 Small House sites);
- (iii) the proposed Small House development did not comply with the assessment criteria under the Town Planning Board Guidelines No. 10 for development within “GB” zone in that there was a general presumption against development within the “GB” zone. The proposed development also did not meet the ‘Interim Criteria for Consideration of Application for New Territories Exempted House /Small House in the New Territories’ as it would cause adverse impacts on the surrounding areas, and affect the existing natural landscape resulting in adverse landscape impacts; and
- (iv) there was no similar application approved within the same “GB” zone in the vicinity of the application site. Approval of the application would set an undesirable precedent for similar applications within the “GB” zone and the cumulative effect of approving such applications would cause adverse landscape impacts on the surrounding areas.

20. Members had no question on the application.

Deliberation Session

21. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 14.1 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” (“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 and there was a general presumption against development within this zone;
- (b) the proposed development was not in line with the Town Planning Board Guidelines for ‘Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance’ (TPB-PG No. 10) and the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that it would cause adverse landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effects of approving such applications would cause adverse landscape impacts on the surrounding areas.

[The Chairman thanked Mr. P.K. Ip, STP/STN, for his attendance to answer Members’ enquires. Mr. Ip left the meeting at this point.]

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/379 Proposed Utility Installation for Private Project
(Electricity Package Sub-station) in “Agriculture” zone,
Lot 883 RP in D.D.79, Ping Yeung Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/379)

Presentation and Question Sessions

22. 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 utility installation for private project (electricity package sub-station), with a floor area of about 11.76m² and a height of about 3m (one storey), would provide electricity power supply for a number of proposed New Territories Exempted Houses (NTEHs) at various lots in Ping Yueng Village;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council (DC) member stating that he supported the application and wished relevant government departments would listen to the views from the public living in the vicinity;
- (e) the District Officer (North) advised that the incumbent North DC member, the Vice-Chairman of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative of Ping Yeung, and the Residents Representative of Ping Yeung had no comment on the application provided that the development would not affect other people; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the proposed electricity package sub-station was a mini-type transformer required for providing power supply to the proposed NTEH developments in the immediate east of the application site. It was small in scale and was considered not incompatible with the

adjacent rural setting which was predominantly a mix of domestic use and fallow agricultural land;

- (ii) in view of the nature and design of the proposed electricity sub-station, it would unlikely cause adverse environmental, landscape, drainage and traffic impacts on the surrounding areas. Concerned government departments including the Environmental Protection Department, Urban Design and Landscape Section of PlanD, Drainage Services Department and Transport Department had no adverse comment or objection to the application; and
- (iii) the application site was the subject of a previous application (No. A/NE-TKL/299) for the same use submitted by the same applicant. The current application was same as the last approved application in terms of the applied use, site area and boundary, building height and total floor area of the structure and there had been no material change in the planning circumstances for the application site and its areas.

23. Members had no question on the application.

Deliberation Session

24. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 16.3.2016, 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 service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and

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

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

- (a) to note the comments of the District Lands Officer/North (DLO/N) that the owner of the lot should apply to his office for Short Term Waivers (STW) for regularization of the structures under construction. If the STW was granted, the grant would be made subject to such terms and conditions to be imposed by the Government, including the payment of STW fees;
- (b) to note the comments of the Chief Highway Engineer/ New Territories East, Highways Department that the access roads leading from Wo Keng Shan Road to the application site was not maintained by his office, and the applicant should apply an excavation permit from the DLO/N for any excavation on government land;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if a certificate of exemption under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121) in respect of the proposed electricity package sub-station could not be issued, the development was subject to the provisions of the Buildings Ordinance (BO). Then he had the following comments on the proposal:
 - (i) as the site did not abut on 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 the building plan submission stage;
 - (ii) 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; and

- (iii) detailed comments on the proposed development would be provided under the BO at the formal plan submission stage.

- (d) 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;

- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), complying with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998) would 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. Verification of actual compliance with the ICNIRP guidelines, by the project owner or the Electrical and Mechanical Services Department as the regulator, was advisable upon the commissioning of the electricity package substation; and

- (f) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by BD; and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

[The Chairman thanked Ms. Doris S.Y. Ting, STP/STN, for her attendance to answer Members' enquires. Ms. Ting left the meeting at this point.]

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/448 Proposed Public Utility Installation (Sewage Pumping Station)
in “Agriculture” zone,
Government Land in D.D. 8, Sha Pa, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/448)

Presentation and Question Sessions

26. Mr. Edward W.M. Lo, 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 (sewage pumping station) consisted of a single-storey building with a gross floor area (GFA) of about 57m² and a height of about 4.65m to accommodate the control panel, deodorization equipment and other ancillary equipment as well as to provide space for maintenance of the pumping equipment, as well as a small single-storey kiosk with a GFA of about 4.6m² and 3m in height to house fire services equipment. The proposed development would require excavation of land (from existing ground level of 40.0mPD down to foundation level of 34.9mPD) for accommodating underground wet well, valve chamber and emergency retention storage tank. Gabion wall of a maximum height of 1.8m was proposed along the southern side of the site to ensure structural stability of the development;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received concerning the possible noise and air pollution that

might be brought about by the sewage pumping station to the neighbourhood;

- (e) the District Officer (Tai Po) advised that the application site was close to a footpath maintained by his office. The footpath concerned should remain unaffected by the proposed works or alternative access should be provided to the satisfaction of his office; and
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the proposed sewage pumping station and associated excavation of land was part of the Lam Tsuen Valley Sewerage Project to alleviate the water pollution problem brought by the surrounding villages. The proposed development did not contravene the planning intention of the “Agriculture” zone because it was a public utility installation to meet the needs of local villagers, and the water quality of the village area could be improved upon the completion of the sewerage scheme;
 - (ii) after careful consideration on technical grounds and consultation, the applicant (Drainage Services Department) identified the subject site as the most suitable site for the proposed sewage pumping station. Consultation had been made with the Tai Po Rural Committee, the Tai Po District Council, the Lam Tsuen Valley Committee, the concerned village representatives and local villagers, and they generally supported the implementation of the proposed sewerage scheme, including the proposed sewage pumping station, to alleviate the water pollution problem and to improve the water quality of the area. The proposed sewerage works was also authorized under the Roads (Works, Use and Compensation) Ordinance (Cap. 370) as applied by section 26 of the Water Pollution Control (Sewerage) Regulation (Cap. 358 Subsidiary Legislation), and no objection to

the proposed sewage pumping station was received during the statutory objection period;

- (iii) the application site was mainly surrounded by agricultural land and vegetation, and the nearest sensitive receiver was about 20m away. The pumps were to be installed within confined concrete chamber constructed underground which would be tightly covered to minimise noise from escaping to the surrounding. Deodorisation equipment would also be installed for removing odour gas from the proposed pumping station. With the implementation of mitigation measures as recommended in the Planning Statement, the proposed sewage pumping station would unlikely cause adverse noise, odour and other environmental impacts on the nearby sensitive receivers during both the construction and operation stages. DEP therefore had no objection to the application;
- (iv) while the site was located within the water gathering ground (WGG), the applicant had proposed mitigation measures and contingency plan. In this connection, the Water Supplies Department had no objection to the application subject to the incorporation of relevant approval conditions;
- (v) the proposed pumping station and kiosk with a height of about 4.65m and 3m respectively and a total GFA of about 62m² were considered not incompatible with the surrounding areas. As the site was vacant and the proposed felling of existing trees would be replaced by new trees as stated in the landscape proposal, significant adverse impact on landscape resources was not anticipated. The applicant had also proposed landscape treatment for the pumping station building. The Chief Town Planner/Urban Design and Landscape of PlanD had no objection to the application subject to the incorporation of approval condition on the implementation of the landscape proposal; and

- (vi) regarding the public comment concerning about the possible noise and air pollution that might be brought about by the proposed development, it was noted that the pumps were to be installed within confined concrete chamber constructed underground so as to minimise noise impact, and deodorisation equipment would be installed for removing odour gas from the proposed sewage pumping station. The proposed development would unlikely cause adverse noise, odour and other environmental impacts on nearby sensitive receivers.

27. Members had no question on the application.

Deliberation Session

28. 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 16.3.2016, 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 implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of fire service installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.

29. 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 application site fell on unleased and unallocated government land. The applicant should apply to his office for a simplified temporary government land allocation to facilitate the construction works and thereafter apply for a permanent government land allocation for the sewage pumping station;

- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that the proposed sewage pumping station was a government building and rested on government land, he had no comment under the Buildings Ordinance (BO) on the proposed development in view of that it should be exempted from the provisions of BO by virtue of sections 41(1)(a) and 41(1)(ba) of the BO;
- (c) to note the comments of the Director of Fire Services that the 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;
- (d) to note the comments of the Director of Environmental Protection that the mitigation measures as recommended in the Planning Statement should be fully implemented during the construction and operation stages of the proposed sewage pumping station;
- (e) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should observe the requirement of making submissions to the Geotechnical Engineering Office laid down in ETWB TC(W) No. 29/2002;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the application site was not maintained by his office;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department which were detailed in Appendix II of the Paper;
- (h) to note the comments of the Commissioner for Transport as follows:
 - (i) the village track leading to the site was not managed by the Transport Department (TD). It appeared that the configuration of the track, including widths and sightlines, was not designed for the passage of heavy vehicles including construction vehicles;

- (ii) if the applicant intended to make use of this village track for both construction and maintenance access purposes, he should own a duty to check the land status with the Lands Department. The applicant should also carry out inspections and necessary impact assessments to the whole access route to ensure that it was suitable for the intended uses, as well as necessary improvements in order to mitigate the nuisance and impacts generated by the proposed development. As an alternative, the applicant could consider forming an independent maintenance access road to the proposed pumping station; and
- (iii) the existing village access and any future proposed maintenance access to the proposed pumping station were not under the management of TD; and
- (i) to note the comments of the District Officer (Tai Po) that the subject site was close to a footpath maintained by his office. The footpath concerned should remain unaffected by the proposed works or alternative access should be provided to the satisfaction of his office.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/382 Proposed Rural Committee/Village Office
 in “Green Belt” zone,
 Government Land in D.D. 15, Shan Liu Village, Tai Po
 (RNTPC Paper No. A/NE-TK/382)

Presentation and Question Sessions

30. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed rural committee/village office of Shan Liu Village, which would be of the same size of a New Territories Exempted House (NTEH), i.e. at a total gross floor area of about 195.09m² and a building height of three storeys (8.23m);
- (c) departmental comments – the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site fell within the lower indirect water gathering ground (WGG), and the proposed development would cause a high risk of pollution to the WGG. The consequence of contamination within the lower indirect WGG could be serious as WSD's water intake (leading to Plover Cove Reservoir) was only about 80m away from the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) also objected to the application from the landscape planning point of view. The site was located on the upper Pat Sin Leng foothill overlooking the Plover Cove where hillside woodland, grassland and other natural landscape features were present. Despite recent disturbances of the nearby rural land to the northwest of the site, the majority of Shan Liu was undeveloped and village development was concentrated only on the lower part of the foothill. The proposed development was considered incompatible with the existing upland countryside landscape. Based on the aerial photos taken in 2009 and 2011, the surrounding areas of the site had been largely cleared of vegetation including woodland trees. According to the site photo, most of the site had been cleared without significant vegetation, and the edge of the existing woodland was in close proximity to the south of the site. Although there might not be any significant landscape resources currently within the application site, there was a general presumption against development within the "Green Belt" ("GB") zone. Approval of the application would set an undesirable precedent to other village development in the area, resulting in further clearance of the existing landscape resources and degradation of the landscape quality;

- (d) during the first three weeks of the statutory publication period, two public comments from the Hong Kong Bird Watching Society and the WWF Hong Kong were received objecting to the application mainly on the grounds that the proposed development would likely involve tree felling and clearance of the dense vegetation on site; degrade the function and value of the “GB” zone and set an undesirable precedent to future applications within the Green Belt area; and cause pollution to the nearby WGG during the construction and operation phases;
- (e) the District Officer (Tai Po) (DO/TP) advised that upon approval of the application, the villagers were required apply to the District Lands Office (DLO) for granting the piece of government land. The DLO would then seek policy support from his office if villagers requested the land to be granted in nominal rent; and
- (f) the PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) 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. Being located in a well-vegetated area at the edge of an existing woodland to the immediate south of the site, the application did not comply with the Town Planning Board (TPB) Guidelines No. 10 for development within “GB” zone as the proposed development would cause adverse landscape impacts on the surrounding environment. The site fell outside the village ‘environs’ (‘VE’) of Shan Liu and was considered not a suitable site for the proposed village office as village development was largely concentrated on the lower part of the foothill within the ‘VE’. There should be alternative sites for the proposed village office within the ‘VE’ where land was still available;

- (ii) while the Director of Agriculture, Fisheries and Conservation had no strong view on the application should there be no alternative site available in the area, he advised that there were some common native trees found on the site and the proposed village office would require felling of a few trees in “GB” zone. The CTP/UD&L objected to the application from the landscape planning point of view as the site was located on the upper Pat Sin Leng foothill overlooking the Plover Cove where hillside woodland, grassland and other natural landscape features were present. Majority of the Shan Liu area was undeveloped and village development was concentrated only on the lower part of the foothill. The proposed development was considered incompatible with the existing upland countryside landscape. The approval of the application would set an undesirable precedent to other developments in the area resulting in further clearance of the existing landscape resources and degradation of the landscape quality;

- (iii) the site was within the lower indirect WGG, about 30m away from the natural stream and about 80m away from WSD’s water intake leading to Plover Cove Reservoir. The CE/Dev(2), WSD did not support the application as the proposed development in lower indirect WGG would cause a high risk of pollution to the WGG. He also pointed out that as the WSD’s water intake was about 80m away from the site, the consequence of contamination to the precious water resources could be serious. Hence, there were no strong planning justifications in the submission or exceptional circumstances for a departure from the planning intention of the “GB” zone and the relevant assessment criteria of the TPB Guidelines No. 10; and

- (iv) a similar application (No. A/NE-TK/312) for rural committee/village office within the “GB” zone to the immediate south of the subject application site was rejected by the Committee on 16.7.2010. The application was rejected mainly on the grounds of not being in line

with the planning intention of the “GB” zone; not complying with the TPB Guidelines No. 10; adverse landscape and water quality impacts; and setting of undesirable precedent, which were the same considerations as in the subject application. There was largely no difference in the planning circumstances, and there were no strong planning justifications in the submission to warrant a departure from the Committee’s previous decision.

31. In reply to the Chairman’s question, Mr. Edward W.M. Lo said that a review on the “V” zoning within Shan Liu Village was in progress. The findings and recommendations of the zoning review would be submitted to the Committee for consideration when available.

Deliberation Session

32. In response to a Member’s enquiry, Mr. Eric K.S. Hui of Home Affairs Department said that DO/TP’s comments on the application were given in paragraph 9.1.10 of the Paper. Upon the approval of the planning application, the villagers would have to apply to the DLO for land allocation. Policy support would be required for granting the government land to the villagers at nominal rent. Mr. Hui further said that PlanD’s assessments indicated that there should be alternative sites for the proposed village office within the ‘VE’ where land was still available. On this basis, he had no objection to PlanD’s recommendation of rejecting the application.

33. The Chairman asked whether the application site had been disturbed. Mr. Edward W.M. Lo said that the application site was currently covered with grass and trees. The development of the proposed village office might cause adverse landscape impacts on the surrounding environment. Mr. Lo referred to Plan A-4 of the Paper and pointed out that the densely vegetated area at the back of the photograph was the application site whereas the bare land in the front of the photograph was a works site of the Drainage Services Department. Mr. Lo further said that the application was not supported by WSD because it would cause a high risk of pollution to the WGG.

34. 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 was not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which was to define 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 application did not comply with the Town Planning Board Guidelines for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed development would cause adverse landscape impacts on the surrounding environment and its approval would set an undesirable precedent for other similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area; and
- (c) the applicant failed to demonstrate that the proposed development located within the water gathering ground would not cause adverse impact on the water quality in the area.

Agenda Items 12 to 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/383 Proposed House (New Territories Exempted House - Small House)
 in “Green Belt” zone,
 Taxlord Lot 215 S.B in D.D. 26, Ha Tei Ha, Tai Po
 (RNTPC Paper No. A/NE-TK/383 to 386)

A/NE-TK/384 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Taxlord Lot 215 S.C in D.D. 26, Ha Tei Ha, Tai Po
(RNTPC Paper No. A/NE-TK/383 to 386)

A/NE-TK/385 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” zone,
Taxlord Lot 215 S.D in D.D. 26, Ha Tei Ha, Tai Po
(RNTPC Paper No. A/NE-TK/383 to 386)

A/NE-TK/386 Proposed House (New Territories Exempted House - Small House)
in “Green Belt” and “Village Type Development” zones,
Taxlord Lot 215 S.F in D.D. 26, Ha Tei Ha, Tai Po
(RNTPC Paper No. A/NE-TK/383 to 386)

35. The Committee noted that the four applications were grouped together under one RNTPC Paper as they were for the same use and the sites were located next to one another. The Committee agreed that the four applications could be considered together.

Presentation and Question Sessions

36. Mr. Edward W.M. Lo, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – the departmental comments were detailed in Appendix IV of the Paper and highlighted below:
 - (i) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the applications from the flood control and prevention point of view as the sites fell within the flood

fringe which was subject to overland flow and inundation during heavy rainfall;

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the applications from the landscape planning point of view. The sites fell within the “Green Belt” (“GB”) zone adjacent to the “Conservation Area” zone. The surrounding areas were predominantly rural in character, occupied by village houses of Ha Tei Ha Village in the south with fallow agricultural land and lush vegetation cover, such as woodland, scrubland, and grassland. Based on his site visit on 20.2.2012, stumps of two *Cinnamomum camphora* (樟樹) of significant sizes were found within the site boundary of Application No. A/NE-TK/386. There were signs and burnt marks indicating that the tree removal was recent. The proposed houses were located at the toe of a natural slope overgrown with trees and shrubs. Some existing woodland trees were also found along the edge of the site boundaries. Construction of the houses would unavoidably require slope cutting that the existing landscape resources on the slope would be disturbed. Moreover, the proposed houses were situated in the middle of an existing footpath. Re-routing of the footpath might be necessary and vegetation clearance outside the site boundary was very likely. However, there were no details of the site formation works, access road and landscape mitigation measures included in the application to demonstrate how the potential adverse landscape impacts could be mitigated; and
- (iii) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that as the sites were overlooked by steep natural hillside and meet the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS), he would tender in-principle objection to the applications unless the applicants were prepared to undertake a NTHS and to provide suitable mitigation measures, if found necessary, as part of the developments.

However, this could have significant cost implications and rendered these Small House developments not economically viable;

- (d) during the first three weeks of the statutory publication period, one public comment from the WWF Hong Kong was received objecting to all the four applications mainly on the grounds that the proposed developments would incur adverse landscape impacts on the vegetation and trees of the adjacent woodland; the proposed developments together with another Small House development approved under Application No. A/TP/487 would cause adverse landscape impacts on the area and the cumulative impact of approving these applications would result in degradation of the natural habitats within the “GB” zone; and as the sites were adjacent to the Shuen Wan marsh, the proposed developments would have a negative off-site disturbance impact (e.g. noise) on wildlife inhabiting in the ecologically sensitive wetland; and
- (e) the PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the proposed developments were not in line with the planning intention of the “GB” zone, and there was a general presumption against development within this zone;
 - (ii) the application sites were located on steep natural hillside adjoining a dense woodland and marsh area. The proposed developments would likely involve site formation works and construction of raised platform and access road resulting in clearance of natural vegetation. It would cause damage to the natural hillside/woodland area and disturbance to the marsh habitat adjoining the area. While the Director of Agriculture, Fisheries and Conservation had no strong view on the applications, he advised that the sites were at the periphery of the marsh area covered with dense vegetation. The CTP/UD&L objected to the applications from the landscape

planning point of view and pointed out that construction of the Small Houses would require slope cutting and the existing landscape resources on the slopes would be disturbed. However, there were no details of site formation works, access road and landscape mitigation measures in the submissions to demonstrate how the adverse landscape impacts could be mitigated;

- (iii) the H(GEO) of CEDD raised objection to the applications unless a Geotechnical Planning Review Report was submitted in support of the applications to assess the geotechnical feasibility of the proposed developments. The CE/MN of DSD also did not support the applications as the sites were subject to overland flow and inundation during heavy rainfall;
- (iv) although the sites fell within the village 'environs' and there was a general shortage of land in meeting the Small House demand, the proposed developments did not meet the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the proposed developments would cause adverse landscape, drainage and geotechnical impacts on the surrounding areas. There was no information in the submissions to address the landscape, drainage and geotechnical concerns. The applications also did not comply with the Town Planning Board Guidelines No. 10 in that the proposed developments would involve clearance of existing natural vegetation, affect the existing natural landscape, and adversely affect drainage or aggravate flooding in the area; and
- (v) while there were two similar applications (No. A/TP/269 and 487) approved in 2001 and 2011 in the vicinity of the sites, it should be noted that the two application sites were located on vacant flat land and at a certain distance away from the natural hillsides and the edge of the existing woodland. Hence, their impacts on the surrounding landscape would be minimal. Moreover, Application No. A/TP/269 was for the redevelopment of the old ancestral houses into

two NTEHs. As the subject sites were on steep natural hillsides covered with trees, construction of the proposed houses would likely involve cutting of slopes/building of raised platform and associated works that would cause adverse impacts on the surrounding natural slopes which had significant landscape value. Thus, the current applications did not warrant the same considerations as the two previously approved similar applications.

37. Members had no question on the applications.

Deliberation Session

38. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 13.1 of the 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” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that the proposed development would cause adverse landscape, drainage and geotechnical impacts on the surrounding areas. There was no information in the submission to address the landscape, drainage and geotechnical concerns;
- (c) the application did not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the existing natural landscape and adversely affect drainage or aggravate flooding in the area; and

- (d) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the natural environment and landscape quality of the area.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/461 Columbarium in “Government, Institution or Community” zone,
Poh Yea Ching Shea, Lot 1006 R.P. in D.D. 5,
2 Mui Shu Hang Village, Tai Po
(RNTPC Paper No. A/TP/461)

39. The Secretary reported that Ms. Anna S.Y. Kwong and Mr. Stephen M.W. Yip had declared interests in this item as they had current business dealings with Environ Hong Kong Limited, one of the consultants of the application. The Committee noted that Ms. Kwong and Mr. Yip had no direct involvement in the subject application and they had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

40. Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application – the subject site was granted to the applicant (Poh Yea Ching Shea Limited) in 1971 for Home for the Aged purpose. The Home for the Aged was built to provide quarters to homeless elders. Due to gradual decrease of aged people using the Home for the Aged, it had ceased operation;

- (b) the columbarium – an existing two-storey religious building was proposed to be converted with columbarium use on part of 1/F to accommodate 5 993 niches (including 600 niches already in use). Four car parking spaces (two for 16-seat vans and two for private cars) would be provided within the site;

- (c) departmental comments – the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
 - (i) the Secretary for Food and Health had no objection to the application subject to all statutory requirements and lease conditions being fulfilled. The proposed regularization of columbarium development was, in principle, in line with their policy objective to increase the supply of authorized columbarium niches in both public and private sectors to meet the increasing public demand. However, the local community might raise strong objection to the proposal and the applicant should strive to secure support from the local community for the subject development. To address the concerns on the proposed development, the applicant would be required to implement mitigation measures to the satisfaction of parties concerned, such as centralizing joss paper burning activities in the columbarium, providing greening where possible, and addressing traffic congestion during the grave-sweeping seasons;

 - (ii) the District Lands Officer/Tai Po advised that the proposed columbarium was not allowed under the lease. The lot owner would need to apply for a lease modification if the planning application was approved. The section of road leading from Kam Shek New Village to the subject site was a restricted road and only vehicles with permit were allowed. The management and maintenance responsibilities of this access road should be sorted out. Besides, the applicant had proposed to install an emergency crash gate at the access road near Kam Shan Public Carpark. As the applicant did not have exclusive right on the access road, installation

of the gate was not acceptable;

- (iii) the Commissioner for Transport (C for T) had reservation on the application as there was no proper access (both for vehicles and pedestrians) to serve the needs of users. There was no information in the submission on how to address the access rights issue and whether ancillary facilities including loading/unloading (L/UL) facilities, appropriate parking spaces and barrier-free footpaths (some visitors could be aged persons) would be provided. Moreover, the application site was outside 500m walking distance from MTR Tai Wo Station and was not well served by public transport due to its geographical location separated by Lam Tsuen River. The provision of appropriate transportation for the visitors should be considered;
- (iv) the Commissioner of Police (C of P) was concerned about the potential impact of illegal parking near the application site and the police resources for the traffic and crowd management due to the influx of grave-sweepers during Ching Ming and Chung Yeung Festivals on an annual basis;
- (v) the Director of Environmental Protection (DEP) advised that, as the applicant had confirmed that no funeral service would take place at the subject site and eco-furnace would be installed for the burning of incense and paper offerings, the applied use would unlikely cause significant environmental nuisance to the nearby sensitive receivers (with the nearest one located more than 80m away); and
- (vi) the Director of Leisure and Cultural Services (DLCS) advised that no vehicle was allowed to access the application site through the Mui Shue Hang Playground which was under the management of his department. The applicant should resolve the issue of ingress/ egress to and from the site for the passage of motor vehicles to meet their operational need;

- (d) the application and subsequent further information submitted by the applicant had been published three times. During the first three weeks of the statutory publication period of the application, a total of 161 supporting comments and 33 adverse comments were received. During the first three weeks of the statutory publication periods of the further information, a total of 2 376 and 706 supporting comments as well as 17 and 2 adverse comments were received respectively. The public comments received were summarised in paragraph 10 of the Paper and highlighted below:

Supporting comments (mainly from private individuals and mostly in the form of standard letters)

- there was a lack of columbarium facility in Tai Po District;
- the building was in a remote location away from residential dwellings and would not affect the residents of nearby estates;
- the columbarium was being in use and did not create any nuisance to the nearby residents;
- the surrounding environment was tranquil and elegant; and
- the site was highly accessible that visitors could walk past Lam Tsuen River to the MTR Tai Wo Station in a few minutes. Also, the site charged a reasonable fee and provided adequate supporting facilities. The columbarium was managed by a historic Buddhist organisation and charity association.

Objecting comments (mainly from individual residents of the nearby villages and the Owners' Committee of Parc Versailles I and II)

- as the proposed columbarium was close to the existing village dwellings, it would pose adverse traffic, visual, *fung shui* and environmental impacts on the surrounding areas, especially noise from chanting/rituals and air pollution from the burning of incense and paper offerings;
- the operation of the columbarium would bring about nuisance and generate adverse psychological and health impacts on the nearby

residents. It would also affect the tranquil living environment of the area;

- the proposed development would cause traffic congestion, parking and road safety problems, particularly during Ching Ming and Chung Yeung Festivals;
 - the columbarium with over 5 000 niches was only provided with four car parking spaces. There were not enough car parks for big vehicles. There were a few columbaria in the vicinity of the site bringing in many coaches making use of and parking along Kam Shan Road and Shek Lin Road, which had not been addressed in the traffic impact assessment (TIA);
 - the applicant had already converted the building illegally by changing its use from home for the aged to columbarium. The applicant had deliberately breached the land lease;
 - the columbarium was a barefaced commercial venture without any charitable merits. The operator openly solicited business and agents touted niches amid pedestrians causing nuisance to the villagers;
 - the car park at Kam Shek New Village belonged to the villagers and should not be used by the columbarium; and
 - regulations were not imposed by the Government and hence illegal columbaria had sprung up on vacant farmland and in abandoned village houses. Approval of the application would set an undesirable precedent, and might face legal challenge in the future.
- (e) the District Officer (Tai Po) suggested that notice/gist of the proposed development should also be sent to other concerned parties including the District Council (DC) members of Po Nga Constituency and San Fu Constituency; the Owners' Committees of Parc Versailles Phases I and II, Tai Po Garden, Po Nga Court and Tai Wo Estate; and the Mutual Aid Committees of On Wo House, Lai Wo House and Tsui Wo House in Tai Wo Estate. He also advised that complaints against the columbarium from the villagers of Mui Shue Hang and Tai Po Tau Shui Wai were

received. Besides, the Tai Po DC had expressed concerns on the traffic congestion problem in the Tai Po Market area, especially at the junction of Po Heung Street/ Kwong Fuk Road; and

- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the planning intention of the “Government, Institution or Community” (“G/IC”) zone was primarily for the provision of GIC facilities serving the needs of the local residents and/or a wider district, region or the territory. It was also intended to provide land for uses directly related to or in support of the work of the Government, organisations providing social services to meet community needs, and other institutional establishments. The “G/IC” zoning for the subject site was to cater for the development of the Home for the Aged;
 - (ii) the site was located below a vegetated slope fronting Lam Tsuen River to the north. The site was at a secluded, vegetated and tranquil location and was surrounded by land which formed part of the “Open Space” zone for the Mui Shue Hang Playground. It was separated at a certain distance from the surrounding villages and residential developments. The nearest Kam Shek New Village was about 80m away; and Shui Wai Village, Parc Versailles and Po Nga Court at the other side of Lam Tsuen River were about 80m, 130m and 140m from the site respectively. These developments were generally shielded from the columbarium by roadside slopes and tall trees or separated by Lam Tsuen River;
 - (iii) the proposal was to convert the existing two-storey building previously used for the Home for the Aged to columbarium and associated uses without any change in the building bulk. At present, the premises had 5 993 niches and about 600 had been occupied.

The gross floor area (GFA) used for deposit of niches (169.67m²) only amounted to about 24.2% of the total GFA. Other facilities including worship hall, rituals hall, office, staff activity room, store room and lecture hall resembled those for a religious institution. Taking into account the reasonable separation from nearby villages and residential developments, the characteristics of the surrounding areas and the proposed environmental mitigation measures to be taken by the applicant, the proposed development would unlikely cause significant environmental impacts on the surrounding areas;

- (iv) it was considered that the proposed development was not incompatible with the local environment. It involved no change in the overall bulk and built form of the existing building on the site, and the wooded slope located to the west of the existing building was to be retained. Concerned government departments also had no objection to or adverse comments on the application on environmental, drainage, sewerage, geotechnical, visual and landscape aspects;
- (v) however, C for T had reservation on the proposal because of the problems of access including access rights, and the provision of L/UL facilities, parking spaces and barrier-free footpaths. He considered that the TIA and access arrangements submitted by the applicant had not addressed the access rights from Tai Po Tau Shui Wai Road through the footbridge across Lam Tsuen River and the Mui Shue Hang Playground as well as the access rights from Kam Shek New Village through the current car park. The applicant also had not adequately addressed the issue of L/UL provision, parking spaces and barrier-free access. It was uncertain if consent from the owners of the Mui Shue Hang Playground and the current car park at Kam Shek New Village were obtained for the use of access routes and the parking and L/UL facilities therein. Moreover, C for T pointed out that as the site was outside 500m walking distance from MTR Tai Wo Station and was not well served by public transport,

supplementary information including technical inspection report, assessment and justification related to traffic issue should be submitted by the applicant. DLCS advised that no vehicle was allowed to access the subject site through the Mui Shue Hang Playground. The applicant was required to resolve the issue of ingress/egress to and from the site for the passage of motor vehicles to meet their operational need. The C of Police was also concerned about the potential traffic impact caused by illegal parking near the subject site and the police resources required for the traffic and crowd management due to the influx of grave-sweepers during Ching Ming and Chung Yeung Festivals on an annual basis. As the proposed development was considered not satisfactory in terms of access and provision of parking and L/UL facilities, it did not comply with the Town Planning Board Guidelines No. 16 on developments within "G/IC" zone.

41. Members had no question on the application.

Deliberation Session

42. In response to the Chairman's queries, Mr. W.C. Luk of Transport Department (TD) said that as the applicant failed to provide designated vehicular/pedestrian access, parking spaces and L/UL facilities for the operation of the columbarium, the application was not supported on the traffic grounds. For the existing access road to the application site, it was not under the management of TD.

43. A Member noted that according to the applicant, there were 600 niches currently in use on the application site and asked whether this columbarium use was included in the list of private columbaria published by the Government. Mr. Edward W.M. Lo said that the subject columbarium was on List B, i.e. it had not complied with statutory requirements and/or the lease. In reply to the Chairman's question, Mr. Lo said that there was no information to verify whether the columbarium was an existing use before the publication of the first Outline Zoning Plan for the Tai Po area.

44. 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 provision of access (both for vehicles and pedestrians), car parking and loading/unloading facilities to serve the need of users were unsatisfactory; and
- (b) the traffic impact assessment provided in the submission was inadequate to demonstrate that the proposed development would not have adverse traffic impact on the surrounding areas.

[The Chairman thanked Mr. Edward W.M. Lo, STP/STN, for his attendance to answer Members' enquires. Mr. Lo left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. C.C. Lau, Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. W.W. Chan, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/419 Proposed Columbarium and Residential Institution (Quarters)
in Redevelopment Proposal of Gig Lok Monastery
in "Government, Institution or Community" zone,
Lot 2011 (Part) in D.D. 132 and Adjoining Government Land,
Gig Lok Monastery, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun
(RNTPC Paper No. A/TM/419C)

45. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Vision Planning Consultants Limited, one of the consultants of the application. Dr. C.P. Lau had also declared an interest in this item as he had a residential property in Tuen Mun. The Committee noted that Ms. Kwong and Dr. Lau had tendered apologies for being unable to attend the meeting.

46. The Secretary also reported that a meeting was held between the ‘Alliance for the Concern over Columbarium Policy’ and the Town Planning Board (TPB) Secretariat on 1.3.2012. During the meeting, the Incorporated Owners (IO) of Parkland Villas submitted a letter of 1.3.2012 to the Secretary of TPB against the subject application. Moreover, the IO launched a petition against the application in the afternoon on 16.3.2012 before the meeting and submitted a letter of 16.3.2012 to the Secretary of TPB. Copies of the two letters submitted by the IO were tabled at the meeting for Members’ reference. The Secretary further said that the objection reasons mentioned in the two letters were similar to those mentioned in the public comments submitted by the IO during the statutory publication periods of the application. The public comments against the application had been summarized in paragraph 11.4 of the Paper.

Presentation and Question Sessions

47. Mr. C.C. Lau, STP/TMYL, reported that Appendix Ig of the Paper, which was the further information submitted by the applicant on 23.2.2012 regarding his responses to departmental comments, was tabled at the meeting for Members’ reference. With the aid of a Powerpoint presentation, Mr. Lau presented the application and covered the following aspects as detailed in the Paper :

Background

- (a) the existing Gig Lok Monastery (GLM) compound fell within an area mainly zoned “Government, Institution or Community” (“G/IC”) with a minor portion at the eastern fringe zoned “Residential (Group B) 10” (“R(B)10”) on the Tuen Mun Outline Zoning Plan (OZP). The compound consisted of mainly GLM’s private lot and partly government land (GL). On 7.7.2010, the applicant submitted a section 16 application (No. A/TM/400) for columbarium use within the entire GLM compound.

However, as 'Columbarium' was neither a Column 1 nor Column 2 use under the "R(B)10" zone, there was no provision for the application for 'Columbarium' use. Subsequently, the applicant withdrew the application on 14.7.2010;

- (b) on 20.9.2010, the applicant submitted a section 12A application (No. Y/TM/4) for amendment to the OZP by rezoning the "R(B)10" portion of GLM compound to "G/IC" to facilitate the future planning application for a columbarium. The application was withdrawn by the applicant on 9.5.2011;

The Proposal

- (c) the site area under the current application was about 3 275m² (including about 1 230m² of GL) which was confined within the "G/IC" portion of the existing GLM compound. The applicant applied for a proposed columbarium (with 4 900 niches) and residential institution (quarters), which were part of the redevelopment scheme of GLM;
- (d) according to the applicant, columbarium was provided in the GLM before 1995 to serve members of the Monastery, Buddhist families and local community. In view of the rising demand, the columbarium was extended and relocated in 2005 to the existing basement. There were 4 900 niches (753 engaged, 624 reserved, and 3 523 vacant) within the GLM compound without planning permission;
- (e) the proposed building structures of the redevelopment scheme were confined within GLM's private land. The scheme consisted of two building blocks of three storeys for monastery and quarters uses above a basement floor. The basement floor, with a gross floor area (GFA) of 641.63m², was for the proposed columbarium, lavatories and plant rooms. The proposed columbarium would provide a total of 4 900 single niches, which were of the same number as in the columbarium within the current GLM. After completion of the proposed columbarium and quarters, all niches in existing structures would be relocated to the new columbarium;

- (f) the proposed quarters block (with a domestic GFA of 610.84m²) would provide 11 dormitory units for staff and visiting monks, lecture room, canteen and office. In the proposed monastery block, there would be a memorial hall on G/F to house 800 ancestral tablets (same as the current number of tablets within GLM, i.e. 773 engaged and 27 vacant), three memorial halls, a multi-purpose hall and an office. The 1/F and 2/F were for temples. The GFA for this religious institution building was 2 070.83m² (62.3% of total GFA). Two car parking spaces, a motorcycle parking space and a loading/unloading (L/UL) bay for light goods vehicles would be provided within the site;

- (g) as stated in the submission, the site was close to West Rail Station and other public transport network, and visitors were encouraged to travel via public transport and on foot. There were six public car parks and metered parking spaces in the vicinity. Besides, among the 773 engaged tablets, about 30% of them were for the blessing of living persons and no visitor would be expected. The revised traffic impact assessment (TIA) submitted by the applicant indicated that no adverse traffic impact would be induced by the proposed redevelopment on the local road system;

- (h) a private car and taxi lay-by would be provided within the site as the pick-up/drop-off point. The G/F layout had also been revised to provide a 6m-wide driveway for two-way traffic and a cul-de-sac for vehicles to turn around. To address the conflict between pedestrians walking across the main entrance and vehicles entering/leaving the GLM, staff would be deployed to ensure pedestrian safety. The applicant indicated that although vehicles entering GLM might have to wait momentarily for pedestrians to cross the main entrance, the impact to the traffic on Tuen On Lane cul-de-sac would be limited because there was buffer space for vehicles to wait between the conflict point with pedestrians at the main entrance and the Tuen On Lane cul-de-sac. Besides, the management of GLM would encourage grave-sweeping to be conducted before or after the Ching Ming Festival;

- (i) according to the applicant, there would be no provision of burning facility and no burning of ritual papers was allowed within the site. Ceremonies would be held within enclosed indoor areas;
- (j) the site was within the Consultation Zone of the Tuen Mun Water Treatment Works which was a Potentially Hazardous Installations (PHI). The hazard assessment reports submitted by the applicant concluded that the individual risk level of the proposed redevelopment was acceptable while the societal risk and Potential Loss of Life contribution of the proposed redevelopment during both construction and operational phases were insignificant;
- (k) all trees within the site would be retained. The applicant pointed out that, if agreed by relevant government departments, the GL portion of the application site would be used for landscape purpose. A row of new heavy standard trees along the south-eastern part of the site was proposed to serve as an effective screen to soften the proposed buildings;

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

Departmental Comments

- (l) the Secretary for Food and Health (SFH) and the Director of Food and Environmental Hygiene's comments:
 - the proposed columbarium, subject to its regularisation application attaining approval, was in line with the policy objective to increase the supply of authorised columbarium niches in both public and private sectors;
 - the revised proposal of accommodating all the niches in the basement would help address the concern on visual impact by releasing more space for landscape purpose as well as improve the pedestrian circulation. However, the applicant should be reminded to comply with all the fire safety and means of escape requirements; and

- the application was supported on columbarium policy grounds subject to all statutory requirements and lease conditions being fulfilled;
- (m) the District Lands Officer/Tuen Mun (DLO/TM) advised that the existing structures on site had been erected/alterd without prior written approval from his office, and no permission had been given to the applicant to occupy the GL concerned. Moreover, religious institution and columbarium uses and the building height and site coverage of the proposed structures contravened the land lease conditions. If planning approval was given to the proposed redevelopment, the applicant would need to apply for lease modification/land exchange for the proposal. In addition, according to the land status plan for Lot 2011 (GLM) and TMTL 377 RP (Parkland Villas), it appeared that the applicant's proposed pedestrian route at the northeastern corner of the subject site fell within TMTL 377 RP (Parkland Villas);
- (n) the Commissioner for Transport (C for T)'s comments:
- he had reservation on the pedestrians estimate. Due to the lack of parking spaces within the subject site, a considerable proportion of the private car passengers/drivers (39.1% of the visitors), who had to park their cars in nearby car parks and walk to GLM, should also be counted as pedestrians. According to the submission, the existing pedestrian flow was 330, which were generated by the 1 526 niches and tablets currently occupied/engaged. The applicant had not responded to C for T's query as to whether the predicted pedestrian flow (being 1 238 during Ching Ming peak hour), which were generated by the proposed number of niches and tablets when fully occupied (being 5 700), was a reasonable estimate without applying a suitable factor to account for the comparatively higher generation rates for newly occupied niches/tablets, particularly for the first two years, when compared with the existing ones;
 - although the applicant proposed to increase the width of internal footpath at the southern side of the site from 1.5m to 2m, it was not a continuous footpath connecting to the entrance in order to avoid pedestrian/vehicle

conflict. He did not agree with the submission that “there was no need for pedestrians to cross the internal driveway” because some visitors would alight near the entrance or at the northern side of the internal access before arriving at the private car/taxi lay-by for direct access to the lifts, particularly for the aged and those carrying bulky items for ceremonies. His was concerned that if there were L/UL activities outside the lay-by or pedestrians crossing the internal access road, it would lengthen the L/UL time and cause queuing back and blockage to the public road/footpath outside the lot;

- according to the submission, the doorway of the office of the multi-purpose hall would be blocked if the L/UL bay located next to the office was parked with a coach. In the circumstances, visitors walking from the main entrance to the canteen might have to route through the internal road; and
- in view of the land status issue pointed out by the DLO/TM, he had concern on the feasibility of providing a 2.5m-wide pedestrian access and a 6m-wide vehicular access at the entrance of the proposed development;

(o) the Commissioner of Police (C of P)’s comments:

- the disruption of pedestrian flow and the traffic flow along Tuen On Lane, Tuen Fu Road and Castle Peak Road were his prime concern;
- the existing main gate (only 5m in width) was not wide enough to be used as an entrance for both vehicles and pedestrians. The proposed four pick-up / drop-off points were actually in one lay-by and no walkway or pavement was provided for queuing. Although the applicant had proposed to widen the vehicular access road and the main entrance, a pedestrian pavement/walkway on both sides of the vehicular access road should also be provided so that ‘tidal flow system’ could be carried out for worshippers when the site was overcrowded;
- large crowd of worshippers and vehicles to the GLM were anticipated, especially during relevant festivals. In view of the inadequate

pick-up/drop-off facilities within the site, serious traffic jam was anticipated. He had concerns that any traffic jam/congestion caused by the proposed development would very likely lead to the disruption of pedestrian and traffic flows along Tuen On Lane, Tuen Fu Road and Castle Peak Road. It would hinder the emergency services of the Fire Station and Ambulance Depot located at the junction of Tuen Fu Road and Tuen On Lane, and also hinder the access to the site by emergency services vehicles;

- deploying untrained or inadequately trained staff to perform traffic/pedestrians control at the main entrance during busy festive seasons might increase the risk of traffic accidents and put the staff's own safety at risk. Moreover, the applicant had under-estimated the L/UL time by assuming that it would only take one minute for each vehicle to perform L/UL activities at the proposed loading bay; and
- he had concerns on the feasibility of the 'visit-by-appointment' arrangement suggested by the applicant;

[Mr. Timothy K.W. Ma left the meeting at this point.]

(p) the Director of Environmental Protection (DEP)'s comments:

- regarding the existing GLM, he had been receiving vigorous complaints from the nearby air sensitive receivers against the smoke emission and malodour from the use of furnace and burning of ritual papers at the site. While the existing furnace in GLM was locked up since March 2011 and burning of ritual papers was arranged elsewhere, GLM claimed that some visitors unlocked the furnace and burned ritual papers without their permission on 31.7.2011. This single incident had attracted numerous environmental complaints from individual residents, the management office and the IO of nearby residential developments. The applicant should properly manage the GLM in this regard;
- the subject site fell within the 400m radius Consultation Zone of Tuen

Mun Water Treatment Works which was a PHI. A PHI hazard assessment was required under the Hong Kong Planning Standards and Guidelines, and endorsement of the hazard assessment from the Co-ordinating Committee on Land Use Planning and Control relating to Potentially Hazardous Installations (CCPHI) was required for the proposed development;

- from a hazard point of view, there were still major outstanding issues in the revised hazard assessment report submitted by the applicant and the assessment was not acceptable at this stage. As such, DEP was unable to support the application at this stage; and
- the site was the subject of 14 environmental complaints since 2009 (nine on air, three on noise, one on water and one on miscellaneous issue). However, only one of the complaints on air pollution received in 2011 was substantiated. The others were either not substantiated or not under the authority of DEP;

Public Comments and Local Views

- (q) the application and further information submitted by the applicant had been published five times. The number of public comments received during the first three weeks of the respective statutory publication periods were summarised below:

Date of Publication	Object	Support	Neutral	Blank	Total
20.5.2011	2 296 (including one with 118 signatures)	1 104 (including one with 9 signatures)	0	5	3 405
12.8.2011	3 827	808 (including one with 3 856 signatures collected by the applicant and one with 7 signatures)	2	2	4 639
2.12.2011	4 127	552	14	5	4 698
17.1.2012	1 748	13	0	1	1 762
20.1.2012	2 127	414	0	4	2 545

(r) A large number of the public comments (2 240, 3 818, 4 110, 1 707 and 2 102 respectively during the five publication periods) were collected by the estate management company of Parkland Villas, and most of them were submitted by the residents of Parkland Villas. Comments objecting to the application included those from Legislative Council (LegCo)/District Council (DC) members, political party, rural committee, various concern groups and the IOs of Parkland Villas and nearby estates as well as individuals. Reasons for objection were summarised in paragraph 11.4 of the Paper and highlighted below:

- the GLM development was unauthorised without obtaining prior approval. It had made use of the sold niches and the benefits of consumers so that sympathetic consideration would be given by the Government. According to SFH, any niches fields contravened planning conditions would not be approved. It would be a loophole to allow illegal operator of private columbarium to linger on illegal operation as *fait accompli*;
- the columbarium contravened the lease, statutory town plan and the Buildings Ordinance. Approval of the application would set an undesirable precedent for other operators to regularise unauthorised columbarium;
- the court had already dismissed the judicial review application but GLM continued ignoring the demolition order on illegal structures on GL;
- the Ombudsman had urged the Authority to address the problems of illegal occupation of GL and breach of leases, step up enforcement action and eradicate the problems at an early stage and prevent future occurrences;
- repeated deferment and reschedule of consideration of the application was a waste of Government's resources and delay of land control action and demolition of unauthorised structures;
- the Government should plan for columbarium in appropriate areas instead of allowing individual organisations to provide columbaria in areas which were not intended for such use;

- as there would be sufficient supply of niches (110 000 niches had been planned by the Government in Tsang Tsui), additional private columbarium was not needed;
- the columbarium was too close to and not compatible with the surrounding residential developments, in particular Parkland Villas. A similar application (No. A/TM/398) was rejected because it was too close to residential development;
- the burning of incense/joss sticks, lights and worship ceremonies had created serious adverse air, glare and noise impacts and nuisances to the local residents, particularly to Parkland Villas during festivals;
- the proposed columbarium would create psychological impact on local residents, and adversely affect the general living environment and the property value;
- the proposal would have adverse traffic impacts as Parkland Villas and GLM shared the same access road (Tuen On Lane) and this road could not support additional traffic generated by the redevelopment. There were insufficient parking facilities within the site. Traffic jam on access road would affect emergency services and cause vehicle-pedestrian conflict;
- locating the columbarium at basement would have potential fire and crowd management risks. As the site was on a slope, large-scale excavation works would cause water and soil erosion leading to landslide;
- GLM was close to Tuen Mun Water Treatment Works. Large number of visitors and burning activities might pose potential risk of accident to the water treatment works. If there was a chlorine leakage accident, it would be hazardous to visitors in GLM, especially those in the basement; and
- the proposal was for profit making and was contrary to religious practices while enjoying the privilege of tax exemption.

- (s) Supporting comments were from individuals including residents of Parkland Villas. Most of them were collected by the applicant and some were standard letters. The major supporting reasons were summarised in paragraph 11.5 of the Paper and highlighted below:
- GLM had been a place for worship and religious activities for more than 50 years and existed before the development of Parkland Villas. It had a long history and was well established and trusted by devout followers;
 - there was a shortage of public and private columbaria. The design of the columbarium was modern and would not cause any adverse visual impact. The monastery was well managed and provided good services;
 - the redevelopment was to improve facilities for worship and promote Buddhism. It was very common to have columbarium within a monastery;
 - sympathetic consideration should be given to those who had already bought the niches in GLM. They would become victims if the application was rejected and there would be disturbance to their ancestors;
 - the monastery and Parkland Villas had co-existed peacefully for many years. The development would not affect the daily living of residents nearby and would not cause any inconvenience to them; and
 - GLM had been proactively resolving the planning, lands and building issues and actively communicated with government departments to regularise the proposed development.
- (t) In addition to the above public comments received, the IO of Parkland Villas had sent letters to individual TPB members and government bureaux/departments raising their objection to the proposed development and their concerns on the adverse environmental and traffic impacts such as blockage of access road, obtrusive lights, ash and dust from burning offerings, and noise nuisance from ceremonies. A LegCo member and a

Tuen Mun DC member had also written to concerned departments providing comments on the adverse impacts on traffic, emergency services and tree preservation aspects;

(u) the District Officer/Tuen Mun (DO/TM)'s comments:

- he had all along received comments/complaints from residents nearby mainly objecting to the proposed columbarium use and the traffic and environmental impacts including obtrusive lights and ash/dust from the incense burning;
- members of the public had reflected to him that the applicant continued to sell niche places even though the application was still being considered. It was therefore reasonable to believe that the applicant was playing delaying tactics, as pointed out by a LegCo member, to increase the number of affected clients in the concerned structure to make enforcement actions more difficult in future;
- his office reasonably believed that the supporters were actually members of the public who had already bought niche places because the applicant had systematically orchestrated its clients to send in supporting comments; and
- repeatedly granting deferment to the application without strong justifications was perceived by the public as a loophole to allow an illegal operator of private columbarium to linger on its illegal operation as *fait accompli*. The public would consider that the relevant authority was evasive of its responsibility to take enforcement action against illegal operations. There was a possibility that Legislative Councillors would follow up the case to examine if the relevant authority had exercised due diligence to curb illegal private columbaria; and

(v) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the GLM, together with the quarters for its staff and visiting monks which supported the functions of GLM, was in line with the planning intention of the “G/IC” zone in general. However, the columbarium was a Column 2 use which required planning permission from the TPB;
- (ii) according to the applicant, GLM was established in 1955 within the subject site and was re-built in 1964. The subject site was at the eastern fringe of a large “G/IC” zone where there were other religious institutions, such as Ching Leung Nunnery, Tin Chai Benevolent and Ecclesia Bible College to its further north. To the immediate east of the site was a large-scale residential development (Parkland Villas) with 9 residential blocks of 24 storeys and was occupied in early 2000. Parkland Villas and GLM shared the same only main access at Tuen On Lane and their entrances were close to each other. The visitors to the GLM and the residents would inevitably come close in the same road. The existing activities in relation to columbarium would cause nuisance to the residents in the vicinity;
- (iii) the subject application was for the redevelopment of GLM for new building structures within GLM’s lot under the “G/IC” zoning. The proposed redevelopment consisted of two building blocks above a basement floor. The basement floor was mainly for the proposed columbarium with lavatories and plant rooms. The 3-storey monastery and quarters blocks above the basement floor were along the eastern fringe of the site close to Parkland Villas. Since the proposed columbarium was located in the basement, the Urban Design and Landscape Section of PlanD indicated that no adverse visual impact was anticipated and the proposed redevelopment was not incompatible with the existing landscape character;
- (iv) regarding the traffic aspect, C of P had major concern on the disruption of pedestrian and traffic flow along Tuen On Lane and nearby roads.

Serious traffic jam was anticipated especially during festival periods and the traffic congestion could hinder the emergency services of the nearby Fire Station and Ambulance Depot and also hinder the access to the site by emergency services vehicles in emergency. Furthermore, deploying untrained or inadequately trained staff at the entrance for traffic/pedestrians control might put staff safety at risk and increase the risk of traffic accidents. L/UL activities might have been underestimated. Besides, he had concern about the feasibility of the 'visit-by-appointment' arrangement suggested by the applicant;

- (v) C for T had reservation on the pedestrians estimate and was not convinced that there was no need for pedestrians to cross the internal driveway. He also had concerns on the traffic flow along the internal access road, the planned L/UL arrangement, possible queuing back and blockage to the public road/footpath, and the feasibility of providing a 2.5m wide pedestrian access and a 6m wide vehicular access at the entrance of the proposed development. Besides, the proposed visiting arrangement for Ching Ming Festival in 2012 was yet to be observed and a traffic survey should be carried out by the applicant;

- (vi) regarding the environmental aspect, DEP pointed out that the site fell within the 400m radius Consultation Zone of Tuen Mun Water Treatment Works which was a PHI. As such, a hazard assessment and endorsement from the CCPHI were required for the proposed development. From a hazard point of view, there were still major outstanding issues in the revised hazard assessment report and the assessment was yet acceptable. Thus, DEP did not support the application at this stage. Besides, DEP had been receiving vigorous complaints from the nearby air sensitive receivers against the smoke emission and malodour from the use of furnace and burning of ritual papers arising from the activities at the site. In this regard, GLM claimed that no burning facilities would be provided within the site under the redevelopment proposal and the existing furnace within the site had been locked up since March 2011. However, some visitors

burned ritual papers without their permission on 31.7.2011. In view of the above, the proposed redevelopment did not comply with the TPB Guidelines No. 16 for in that the proposed development would cause the surrounding areas to be susceptible to adverse environmental impacts and nuisances; and

- (vii) since 2000, the Committee had considered 10 applications for five columbaria within areas covered by the Tuen Mun OZP. Three columbaria were approved while two were rejected. As no approval for columbarium use had been given within the same "G/IC" zone, approving the current application would set an undesirable precedent for other similar applications within the "G/IC" zone. Noting that there were other religious institutions including Ching Leung Nunnery and Tin Chai Benevolent in the vicinity, the cumulative effect of approving such applications would aggravate the traffic congestion and environmental nuisances in the district.

48. Noting the concerns raised by some of the public comments, the Chairman enquired if there was an accident of chlorine leakage from the nearby water treatment works, whether it would be hazardous to visitors in GLM especially those visiting the columbarium at the basement level. Mr. H.M. Wong of Environmental Protection Department (EPD) said that as the subject site fell within the Consultation Zone of the Tuen Mun Water Treatment Works and it was expected that the proposed columbarium would attract a significant number of visitors to the area during festival days, the applicant had been required to conduct a hazard assessment. According to the hazard assessment report submitted by the applicant, the estimated maximum daily visitors were only about 500-600 during festival seasons. Such a figure was considered unreasonably low taking account of the 4 900 number of niches to be provided in the proposed columbarium. A Member asked whether there was any standard or reference for the estimation of visitors. Mr. H.M. Wong said that the number of visitors should be estimated at a reasonable rate. In this case, the estimated number of about 500-600 visitors a day during peak festival seasons appeared unreasonably low when compared to the scale of the proposed development. EPD had queried about such a low estimation figure but no response was received from the applicant.

49. Mr. W.C. Luk of Transport Department (TD) elaborated on TD's concerns on the application. He said that the applicant, in calculating the estimated number of visitors during peak hours, had not applied a suitable factor to account for the comparatively higher generation rates of visitors for newly occupied/engaged niches and tablets. The predicted pedestrian flow in the submission was made only on the basis of the survey carried out during Ching Ming Festival peak hours for the currently occupied/engaged niches and tablets (about 1 500). Mr. Luk pointed out that the 1 500 number of niches and tablets might have been occupied/engaged for many years, and hence generate fewer visitors. TD had concern that the predicted pedestrian flow (1 238 during Ching Ming peak hour) was unrealistic when the newly proposed niches and tablets were taken into account.

50. Mr. W.K. Luk further said that, the pedestrian route as shown on Drawing A-17 of the Paper indicated that pedestrians walking from Tuen On Lane to visit the GLM probably needed to cross the driveway at the entrance. This would result in pedestrian/vehicle conflict. When there were pedestrians crossing the driveway, it would inevitably interrupt the traffic flow on the driveway, and in view of the limited space between the Tuen On Lane cul-de-sac and the main gate of GLM, it would likely cause queuing back or blockage to the public road/footpath outside the subject site. Mr. Luk also pointed out that there were lifts to be provided near the entrance for use by the visitors going down to the proposed columbarium at the basement. It was expected that some visitors would alight near the entrance for direct access to the lifts, particularly for the aged and those carrying bulky items for the ceremonies. If there were large number of visitors gathering in front of the lifts, they might need to stand on the driveway and cause pedestrian/vehicle conflict. Furthermore, the internal driveway might be blocked by the visitors if the proposed L/UL bay located next to the office of the multi-function hall was used for parking/alighting activities of coach. The coach would block the doorway of the office and visitors could not make use of the office and the multi-function hall as the passageway within the site. In addition, TD was concerned about the traffic jam caused by the influx of visitors and private cars during the festive days. This would lead to the disruption of pedestrian and traffic flows along Tuen On Lane, Tuen Fu Road and Castle Peak Road. The blockage of public roads would impede the operation of the fire station and ambulance depot, which was located at the junction of Tuen Fu Road and Tuen On Lane, and hinder the access to the application site by emergency services vehicles in case of emergency.

51. A Member asked whether the requirements and concerns of TD had been clearly relayed to the applicant and whether TD had provided assistance to the applicant in addressing the aforesaid traffic issues. Mr. Luk said that TD had grave concern on the potential traffic impacts of columbarium on the local road networks. There had been on-going discussions with the applicant and his consultants regarding the traffic aspect of the GLM redevelopment scheme. He pointed out that their comments and advice had already been conveyed to the applicant, but some of the issues raised by TD were not responded by the applicant.

Deliberation Session

52. A Member opined that in order to meet the increasing demand for columbarium and to achieve the Government's policy objective to provide district-based columbarium in the whole territory, concerned government departments should have good communication with the developers/operators concerned. This Member suggested that with the assistance of police officers on crowd control and traffic management during the festive days, the potential traffic impacts on local roads could be resolved and hence the current application could be tolerated. The Chairman noted that the application was first submitted in May 2011 and had been deferred twice as requested by the applicant to allow time for the submission of further information in response to government departments' comments. He believed that concerned government departments had relayed their comments and issues of concern to the applicant. Mr. W.C. Luk supplemented that although it was the Government's policy of increasing the supply of columbarium facilities to meet the public demand, TD had to ensure that such facilities would not cause adverse traffic impact on the surrounding areas. For the proposed layout of the GLM redevelopment scheme, insufficient space had been allowed within the site to accommodate adequate number of car parking spaces and L/U facilities to meet the needs of visitors. Inadequate provision of parking and L/UL facilities within the site would cause traffic problem on the surrounding roads. Given the C of P's comments on this application, it was considered that the applicant should not rely on the Police in crowd control and traffic management to mitigate the adverse impacts generated by the proposed development, which would have great implications on the resources of the Police.

53. The Chairman considered that apart from the concerns raised by TD and the Police, EPD was also concerned about the PHI nearby and pointed out that the hazard assessment report was not acceptable. Should the Committee decided to reject the application, this should be included as a reason for rejection. Other Members shared this view. In this regard, the Secretary added that “adverse environmental impacts and nuisances” mentioned in the rejection reason in paragraph 13.1(b) of the Paper normally referred to air/noise/water pollution problems, but not hazard caused by PHIs. In order to clearly reflect the concerns on hazard aspect, a separate rejection reason should be included. Members agreed.

54. After further 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. Members agreed that an additional rejection reason on hazard assessment should be included and considered that the other reasons were appropriate. The reasons were :

- (a) the proposed development with 4 900 niches would pose potential traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant. The applicant failed to demonstrate that the potential adverse pedestrian and vehicular traffic impacts associated with the proposed development could be satisfactorily addressed and the access arrangement was not acceptable to both the Commissioner for Transport and the Commissioner of Police;
- (b) the proposed development did not comply with the Town Planning Board Guidelines No. 16 in that the submission failed to demonstrate that the proposed development would not cause the surrounding areas to be susceptible to adverse environmental impacts and nuisances;
- (c) the application site fell within the Consultation Zone of Tuen Mun Water Treatment Works which was a Potentially Hazardous Installations (PHI). The PHI Hazard Assessment submitted by the applicant was not acceptable to the Director of Environmental Protection as the applicant failed to demonstrate that the proposed development would comply with the risk

guidelines stipulated in the Hong Kong Planning Standards and Guidelines;
and

- (d) the approval of the application would set an undesirable precedent for other similar applications within the “Government, Institution or Community” zone. The cumulative effect of approving such applications would aggravate the traffic congestion and environmental nuisances in the district.

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/430 Shop and Services in “Industrial” zone,
Factory Unit A, G/F, Winfield Industrial Building,
3 Kin Kwan Street, Tuen Mun
(RNTPC Paper No. A/TM/430)

55. Mr. Y.K. Cheng said that he was involved in the development of the subject industrial building many years ago, and the occupation permit of the building had been issued in 1979. The Secretary said that as the industrial building had been completed and the past dealings related to the subject building was more than three years, according to the Town Planning Board’s established practice, Mr. Cheng with interest declared could be allowed to stay in the meeting.

Presentation and Question Sessions

56. Mr. C.C. Lau, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the shop and services;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received supporting the revitalization of industrial building;
and

[Mr. Eric K.S. Hui left the meeting at this point.]

- (e) the Planning Department (PlanD)'s views – PlanD considered that the use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the application premises involved a floor area of about 238.8m² and was located on the G/F of an existing industrial building with direct frontage onto public roads in an industrial area;
 - (ii) the application was generally in line with the Town Planning Board (TPB) Guidelines No. 25D in that the applied use was small in scale and would not have significant adverse impact on the local road network. The Transport Department had no comment on the application. Besides, no adverse impacts on the environment and infrastructure of the area were anticipated. Relevant government departments including the Environmental Protection Department, Drainage Services Department and Water Supplies Department had no objection to the application;
 - (iii) two applications for local provisions stores on the G/F of the subject building with floor areas of 8.4m² and 7.8m² were previously approved on 19.6.1987 and 30.6.2000 respectively. According to the TPB Guidelines No. 25D, the aggregate commercial floor area

limit did not apply to, among others, small-scale local provisions store. Therefore, if the current application was approved, the aggregate commercial floor area on the G/F of the subject industrial building would be 238.8m², which was within the maximum permissible limit of 460m². Moreover, separate means of escape was available to the application premises because it fronted directly onto Kin Wing Street and Kin Kwan Street. The Fire Services Department had no objection to the application provided that fire service installations and equipment were provided and means of escape was available. In this regard, relevant approval conditions were recommended; and

- (iv) although the applicant had applied for a permanent use, in order not to jeopardize the long-term planning intention of industrial use for the subject premises and to monitor the supply and demand of industrial floor space in the area, a temporary approval of three years was recommended. The approval period was in line with the recent approval of similar applications for ‘Shop and Services’ use in the same “Industrial” zone, i.e. Applications No. A/TM/393, 402, 404, 409, 411, 412 and 425, which were approved on a temporary basis of three years. Approval of the application on a temporary basis of three years was therefore consistent with the Committee’s previous decisions.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of fire service installations and equipment proposal for the application premises within 6 months from the date of planning approval to

the satisfaction of the Director of Fire Services or of the TPB by 16.9.2012;

- (b) the implementation of fire service installations and equipment proposal for the application premises within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.12.2012; 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.

59. 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 supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) to note the comments of the District Lands Officer/Tuen Mun that the applicant should apply for a temporary waiver for the proposal. If such application was approved, it would be subject to such terms and conditions, including the charging of premium, waiver fee and administrative fee, as imposed by the Lands Department;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the proposed vehicle repair workshop should be separated by walls/slabs from the remaining shops with 2-hour fire resisting

period. The layout should comply with the requirement of the Code of Practice for Fire Resisting Construction 1996. Adequate exits should also be provided from each shop/workshop and comply with the requirements under the Code of Practice for the Provision of Means of Escape In Case of Fire 1996. Adequate toilets should be provided for the shops and workshop in accordance with the requirements stated under the Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations. Disabled access and toilet should be provided and complied with the Design Manual: Barrier Free Access 2008. Formal submission under the Buildings Ordinance for approval was required for any proposed new non-exempted building works; and

- (f) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion should be available for the area under application. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

[The Chairman thanked Mr. C.C. Lau, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lau left the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/362 Temporary Storage of Containers, Parking of Conatiner Vehicles (including Container Trailers and Tractors) and Goods Vehicles and Ancillary Office for a Period of 3 Years in "Residential (Group B) 1" zone, Lots 131 (Part) and 135 RP (Part) in D.D. 121, Tong Fong Tsuen, Ping Shan, Yuen Long (RNTPC Paper No. A/YL-PS/362A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary storage of containers, parking of container vehicles (including container trailers and tractors) and goods vehicles and ancillary office 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 uses in the vicinity of the site and along the access road (with the nearest one located to its south) and environmental nuisance was expected. The Commissioner for Transport (C for T) had reservation on the application as only one parking space for container vehicles was currently provided, the applicant should justify that the current provision could satisfy its parking demand;
- (d) during the first three weeks of the statutory publication period, one public comment from a Yuen Long District Council member was received objecting to the application as the site was accessible through residential dwellings, noise generated by heavy vehicles would cause nuisance to nearby residents;
- (e) the District Officer (Yuen Long) advised that he received a letter from the probate administrator for the owner of an adjoining lot who raised concerns if the land under his administration would be affected by the applied use; and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the applied use was not in line with the planning intention of the “Residential (Group B) 1” (“R(B)1”) zone which was primarily for sub-urban medium-density residential developments in rural areas. Although there were open storage yards, warehouses and workshops in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action by the Planning Authority. No strong planning justification had been given in the submission for a departure from the planning intention, even on a temporary basis;
- (ii) the application was not in line with the Town Planning Board Guidelines No. 13E in that no previous approval had been granted for the site for uses similar to the applied uses, and there were adverse departmental comments on the application. DEP did not support the application because there were sensitive receivers of residential uses in the vicinity of the site and along the access road, with the nearest one located about 35m to its south and environmental nuisance was expected. C for T had reservation on the application since only one parking space for container vehicle was provided; and
- (iii) no previous approval for temporary use involving container vehicles had been granted for the site or land within the same “R(B)1” zone. The Committee had previously rejected six applications for temporary container park and open storage uses in this “R(B)1” zone. Approval of the application would set an undesirable precedent for other similar uses to proliferate in the area. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

61. Members had no question on the application.

Deliberation Session

62. 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 applied use was not in line with the planning intention of the “Residential (Group B) 1” (“R(B)1”) zone which was intended primarily for sub-urban medium-density residential developments. 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 for ‘Application for Open Storage and Port Back-up Uses’ in that no previous planning approval had been granted for the applied use on the site. No information had been given to demonstrate that the applied use would not have adverse environmental impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar uses to proliferate in the “R(B)1” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/373 Proposed Excavation of Land (for Ground Investigation Works for Assessing the Stability of Slopes adjacent to Existing Electricity Pylon) in “Conservation Area” zone, Government Land at Yuen Tau Shan (near Tsing Shan Firing Range), Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/373)

Presentation and Question Sessions

63. Mr. Vincent T.K. Lai, 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 ground investigation works for assessing the stability of slopes adjacent to existing electricity pylon);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the existing pylons were an essential part of electricity supply infrastructure. The proposed excavation of land was required for carrying out ground investigation works to assess the stability of the slopes so as to ensure the safety of the pylons and electricity supply to the public. Hence the application was considered not in contravention with the planning intention of the “Conservation Area” (“CA”) zone;
 - (ii) the proposed excavation of land was required to obtain the geotechnical information of CLP’s pylon No. 4BPB28 and to assess the stability of the surrounding slopes to confirm if Landslip Preventive Measures slope works would be necessary. According to the applicant, the inspection pits of the investigation works would be 0.5m x 0.5m and about 2m deep. After the geotechnical

investigation works, the site would be reinstated to its original condition;

- (iii) given the relatively small size of the site, the reinstatement of the site to its original condition and the temporary nature of the engineering works, it would be unlikely that the proposed excavation of land would jeopardize the long-term planning intention of the “CA” zone or would cause adverse landscape or environmental impacts on the surrounding areas; and
- (iv) it was also unlikely that the proposed engineering works would create significant adverse ecological, landscape, traffic and geotechnical impacts on the surrounding areas. Concerned government departments including the Agriculture, Fisheries and Conservation Department, Urban Design and Landscape Section of PlanD, Transport Department and Geotechnical Engineering Office of Civil Engineering and Development Department had no objection or adverse comments on the application. An approval condition requiring the reinstatement of the site, as proposed by the applicant, was recommended to minimize the impacts arising from the proposed ground investigation works.

64. Members had no question on the application.

Deliberation Session

65. 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 16.3.2016, 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 implementation of ecological mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and

- (b) upon completion of the proposed ground investigation works, the reinstatement of the application site to its original condition, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.

66. 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 seek his approval before commencement of any ground investigation works;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the excavation works should not obstruct overland flow or adversely affect any existing watercourse, village drains or ditches, etc.;
- (c) 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 standard; and
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors should liaise with the electricity supplier in order to agree on how the works should be carried out on the application site without affecting the overhead lines/pylons. 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 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/374 Renewal of Planning Approval for Temporary ‘War Game Centre’
under Application No. A/YL-PS/297 for a Period of 3 Years
in “Recreation” zone, Lots 347 (Part), 348 (Part), 349 (Part),
350 (Part), 355 S.B (Part), 356 (Part) and 357 (Part) in D.D. 126,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/374)

Presentation and Question Sessions

67. Mr. Vincent T.K. Lai, 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 ‘war game centre’ under Application No. A/YL-PS/297, which would be valid until 27.3.2012, 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 first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:

- (i) the application was in line with the Town Planning Board (TPB) Guidelines No. 34B in that there had been no material change in the planning circumstances since the last approval or any change in the land uses of the surrounding areas. Besides, there were no adverse planning implications arising from the renewal of the planning approval, all the planning conditions of the last planning approval had been complied with and the approval period of three years sought under the current application was the same as in the previous approval. The Environmental Protection Department (EPD) also advised that no environmental complaint concerning the site was received in the past three years;

- (ii) the site fell within the Wetland Buffer Area and was located close to a small knoll zoned “Green Belt”. However, the war game centre did not involve pond filling and it was not in close proximity to any fish ponds. The application was only for a temporary use for a period of three years. The applied use would not have any long-term or negative off-site disturbance impacts on the ecological values of the fish ponds within the Wetland Conservation Area. The Agriculture, Fisheries and Conservation Department (AFCD) considered that the development would unlikely affect any habitats of high ecological value and EPD had no adverse comment on the application. As such, the applicant was not in conflict with the TPB Guidelines No. 12B;

- (iii) according to the applicant, there were only four gaming sessions each day and about 20 people for each session. Participants would come in group by coach via the local track and drop off outside the site. The coach would leave after dropping off the passengers. There was no parking space at the site. Moreover, bamboo fencing was erected around the site to avoid adverse impacts on the nearby natural vegetation. The applied use would not involve any alteration of the natural terrain, paving or covering of the site. As such, it was unlikely that the war game centre would create

significant adverse traffic, drainage and landscape impacts on the surrounding areas. Concerned government departments including the Transport Department, Drainage Services Department, and Urban Design and Landscape (UD&L) Section of PlanD had no objection or adverse comments on the application;

- (iv) to address AFCD's concern regarding the maintenance of the existing fencing surrounding the whole site and the UD&L Section of PlanD's concern on the landscape planting along the periphery of the site, relevant approval conditions were recommended; and
- (v) planning applications for similar use (war game centre) in the same "Recreation" ("REC") zone were approved by the Committee on the grounds that the war game centre was generally in line with the planning intention of the "REC" zone and did not involve pond filling and was not in close proximity to any fish ponds of the Wetland Buffer Area, and the applied use would unlikely cause adverse traffic, drainage and landscape impacts on the surrounding areas. Approval of the current application was therefore consistent with the Committee's previous decisions.

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 3 years from 28.3.2012 to 27.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 pm and 9:00 am, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the landscape planting on the site should be maintained at all times during

the planning approval period;

- (c) the provision of peripheral fencing for the whole site, as proposed by the applicant, within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2012;
- (d) the submission of a tree survey and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2012;
- (e) in relation to (d) above, the implementation of the tree survey and tree preservation proposal within 9 months to the satisfaction of the Director of Planning or of the TPB by 27.12.2012;
- (f) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (g) if any of the above planning conditions (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (h) upon 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.

70. 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 lot owner should apply to his office to permit structures to be erected or regularize any irregularities on site. If the application was approved, it would be subject to such terms and conditions, including the payment of premium or fees, as might be imposed by the Lands Department;
- (c) 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 Environmental Protection Department to minimise any possible environmental nuisances;
- (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, and 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 applicant should be responsible for the maintenance of his own access arrangement;
- (f) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted for his approval. For storages, open sheds or enclosed structures with a 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 the nature of occupancy and should be clearly indicated on the layout plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided to his department for consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorised structures on site should be removed. The granting of this planning approval should not be construed as condoning to any existing unauthorised structures on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including temporary structure, for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined by the Building Authority under the Building (Planning) Regulations 19(3) at building plan submission stage; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant 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.

[The Chairman thanked Mr. Vincent T.K. Lai, STP/TMYL, for his attendance to answer Members' enquires. Mr. Lai left the meeting at this point.]

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

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/212C)

71. The Secretary reported that Ms. Anna S.Y. Kwong and Dr. James C.W. Lau had declared interests in this item as they had current business dealings with the consultants of the application, i.e. ADI Limited and Ho Tin and Associates Consulting Engineers Limited respectively. The Committee noted that Ms. Kwong and Dr. Lau had no direct involvement in the subject application and they had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

72. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed flat, shop and services and minor relaxation of building height (BH) restriction;
- (c) departmental comments – the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
 - (i) the District Lands Officer/Tuen Mun (DLO/TM) advised that the portion of government land (1 094m² or 62.3% of the site area) included in the application was of considerable size as compared with the private land (663.3m² or 37.7% of the site area) owned by

the applicant. The private lots were Old Scheduled agricultural lots. If planning approval was given, the applicant would need to apply for a lease modification/land exchange for the proposal;

- (ii) the Director of Environmental Protection (DEP) had no objection to the application from the environmental perspective in view of its compliance with the established noise and air standards and the adequacy of sewerage capacity to cater for the flow from the proposed development. However, he had concerns on the practicability of the substantial noise mitigation measures proposed, such as the two sets of full height barrier wall up to 22m x 39m and the extended architectural fins up to 2m long in full building height;
- (iii) the Project Manager/Hong Kong-Zhuhai-Macao Bridge, Highways Department (PM/HZMB, HyD) advised that the application site would be in direct conflict with the proposed Tuen Mun Western Bypass (TMWB) project. According to the recommended alignment of TMWB as endorsed by the Project Steering Group on 11.3.2011, the concerned land lots would be directly under the viaduct of the TMWB and would likely have to be cleared/resumed;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had grave concern on the potential visual impact of the noise barriers. The site was elongated in shape sandwiched between the West Rail Line to the west and Castle Peak Road to the east. Developments on the site would be subject to severe traffic noise and vehicular emission, hence was not suitable for residential development. To protect the proposed residential development, noise barriers of an excessive scale extending vertically from the transfer plate level to the roof level with a height of around 30m, and horizontally between the proposed residential towers (ranging from 17 to 19.6m in width) were proposed. These noise barriers would be conjoined by the residential towers resulting in a continuous façade of about 80m in length, which was

incongruous with the urban fringe setting. Besides, no strong design justifications had been provided to support the proposed minor relaxation of BH restriction;

- (d) the application and further information to the application had been published three times. During the first three weeks of the respective statutory publication periods, a total of 12 public comments were received from a Tuen Mun District Council member, the Chairman of Tuen Mun North East Area Committee, To Yuen Wai Rural Committee, Tuen Mun Nai Wai Rural Committee, Village Representatives of Tuen Mun Nai Wai Tsuen, an Indigenous Inhabitants Representative of Tuen Mun Lam Tei, Designing Hong Kong Limited and private individuals. All the public commenters objected to the application mainly on the grounds of *fung shui* as the proposed development was near to the ancestral grave of To's Clan, felling of trees, environmental and traffic impacts, and no public gain in relaxing the BH restriction. Some of them requested the Town Planning Board to consider the villagers' concerns and shelf the application permanently;
- (e) the District Officer (Tuen Mun) (DO(TM)) advised that he had received objections from members of the public regarding the land use of the site since 1996, including the application. Their objections were raised on the grounds that some graves/clans (including To's clan) in the close proximity of the site would be affected and the proposed development would affect the *fung shui* of Lam Tei, Nai Wai and To Yuen Wai; and the proposed multi-storey building would block the view and create wall effect to the concerned villages, causing adverse environmental impacts on the neighbourhood; and
- (f) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the site was sandwiched between an elevated section of West Rail and Castle Peak Road–Lam Tei. To mitigate the noise impacts on the proposed residential development, extensive full height

inter-block noise barriers up to about 17-18.5m wide and 33.9m high extending from the podium deck to the rooftop between the three residential blocks were proposed. As a result of the revision to the form and disposition of the three residential blocks, widening of the inter-block gaps and revision to the floor design, the overall length of the proposed development above podium from the southern end of Block 1 to the northern end of Block 3 would be about 79 m. The proposed development with such a long and continuous façade was considered undesirable from the visual perspective. CTP/UD&L had grave concern on the visual impact of the noise barriers, which were excessive in scale;

- (ii) the proposed development with full height noise barriers between blocks was first approved in 2002 (Application No. A/TM-LTY93). At that time, the Committee accepted that such mitigation measure was needed to address noise concerns. However, it was now widely recognized that continuous façade was no longer considered acceptable by the general public due to its visual effect and possible blockage of air flow. The promulgation of Sustainable Building Design (SBD) reflected the Government's intention to discourage such building design and the planning objective of enhancing the environmental sustainability of the living space through building separation. In this regard, the full height noise barriers between the residential blocks would result in the complete absence of building separation but a continuous facade of about 79m long. This was not in line with the planning objective of promoting environmental sustainability through building separation. Hence, such undesirable continuous façade should not be accepted;
- (iii) the applicant had proposed about 2 345.86m² of non-accountable or exempted gross floor area (GFA), representing about 37% on top of the total GFA for the proposed development. The Chief Building Surveyor/New Territories West, Buildings Department (CBS/NTW, BD) advised that for building plans submitted after 1.4.2011, the

SBD requirements and the prerequisites under PNAPs APP-152 and 151 for GFA concessions would be applicable. In this connection, the parking spaces, resident's recreational facilities, non-mandatory or non-essential plant rooms, balconies, utility platforms and bay windows might be accountable for GFA subject to their compliance with the relevant PNAPs. The architectural/acoustic fins might also be accountable for plot ratio and site coverage calculations. As such, the application scheme might need to be substantially revised;

- (iv) the surrounding areas of the site were zoned "Village Type Development" (with a BH restriction of 3 storeys (8.23m)), "Residential (Group B) 1" and "Residential (Group E)" (both with a BH restriction of 4 storeys over a single-storey car park (15m)). The continuous façade was incongruent with the surrounding village houses, and would result in more pronounced incongruity. CTP/UD&L also commented that the continuous façade was incongruous with the urban fringe setting;
- (v) the applicant failed to demonstrate that the sewerage proposal, which required the laying and maintaining a private sewer pipe and associated chamber under the existing cycle track of Castle Peak Road–Lam Tei, would be feasible and acceptable to relevant government departments. Both the Commissioner for Transport and CHE/NTW of HyD did not recommend private sewer along public road and no strong justification was provided by the applicant;
- (vi) the proposed development was in direct conflict with the recommended alignment of the proposed TMWB, which was supported by the Tuen Mun District Council on 2.11.2010. PM/HZMB of HyD commented that it was likely that the concerned lots would be cleared/resumed and the concerned government land would also be required for the TMWB project;

- (vii) as shown on the layout plan submitted by the applicant (Drawing A-1 of the Paper), the northern boundary of the site was very close to the existing grave and urns. There was little space between the proposed development and the grave and urns, hence the proposal might cause inconvenience to visitors going to the grave and urns which was considered undesirable; and
- (viii) DO(TM) received some local objections concerning about the ancestral graves of To's clan (which were located in front of the site) and the impact on *fung shui* by the proposed development, the 'wall effect' and adverse environmental impacts on the neighbourhood.

73. Members had no question on the application.

Deliberation Session

74. 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 comprising three residential blocks with full height noise barriers in between would result in a continuous façade which would have adverse visual impact and was considered incongruous with the urban fringe setting;
- (b) the building design of the proposed development could not meet the planning objective of promoting environmental sustainability through, inter alia, building separation; and
- (c) the applicant failed to demonstrate that the proposed development would not have adverse sewerage impact.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/231 Proposed Excavation of Land (For Ground Investigation Works for Assessing the Stability of Slopes adjacent to Existing Electricity Pylons) and Filling of Land (for Reinstatement Purposes) in “Conservation Area” zone, Government Land at uphill area of Yuen Tau Shan and to the south-east of Tan Kwai Tsuen, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/231)

Presentation and Question Sessions

75. Mr. K.C. Kan, 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 ground investigation works for assessing the stability of slopes adjacent to existing electricity Pylons) and filling of land (for reinstatement purposes);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from the Village Representative of Tuen Mun Yick Yuen Tsuen raising concern about the impacts on villagers’ health due to the strong radiation emitted from the electrified cables. They requested the cables to be buried underground or laid in tunnel, otherwise, they would object to the carrying out of cable works in the district; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper

which were summarised below:

- (i) the existing pylons were an essential part of electricity supply infrastructure. The proposed excavation of land was required for carrying out ground investigation works to assess the stability of the slopes so as to ensure the safety of the pylons and electricity supply to the public. Hence the application was considered not in contravention with the planning intention of the “Conservation Area” (“CA”) zone;
- (ii) the proposed excavation of land involving nine boreholes and 15 trial pits with a total area of 36m² was small in scale. No tree felling would be involved and the boreholes/trial pits and works area would be reinstated/landscaped upon completion of the ground investigation works. Helicopter would be used for transportation of the equipment, and no haul road would be required. The site was located in a generally remote area far away from any residential development or other sensitive uses. Hence, it was unlikely that the proposed works would cause adverse impacts on the surrounding areas; and
- (iii) relevant government departments, including the Environmental Protection Department, Agriculture, Fisheries and Conservation Department, Transport Department, Drainage Services Department and Urban Design and Landscape Section of PlanD had no objection or adverse comments on the application.

76. Members had no question on the application.

Deliberation Session

77. 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 16.3.2016, 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 implementation of ecological mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) the submission and implementation of vegetation preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) upon completion of the ground investigation works, the reinstatement of the application site to its original condition, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun that the applicant should apply to the Lands Department for entry onto government land for geotechnical exploration purposes;
- (b) to note the comments of the Director of Environmental Protection that any discharge of wastewater from the application site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
- (d) to note the comments of the Director of Electrical and Mechanical Services

that the applicant and/or his contractors should liaise with the electricity supplier in order to agree on how the works should be carried out on the application site without affecting the overhead lines/pylons. 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 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/411 Renewal of Planning Approval for Temporary Container Vehicle Park, Container Storage Area, Vehicle Repair and Canteen under Application No. A/YL-ST/363 for a Period of 3 Years in "Other Specified Uses" annotated "Service Stations" zone, Lots 372 S.D RP (Part), 743 RP (Part) and 744 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/411)

79. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited, the consultant of the application. The Committee noted that Ms. Kwong had no direct involvement in the subject application and she had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

80. Mr. K.C. Kan, 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 vehicle park,

container storage area, vehicle repair and canteen under Application No. A/YL-ST/363, which would be valid until 27.3.2012, 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 first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application was in line with the Town Planning Board (TPB) Guidelines No. 34B in that there had been no material change in the planning circumstances since the last approval; government departments concerned had no adverse comment on the application, hence adverse planning implications arising from the renewal of the planning approval were not expected; all the approval conditions under the last approval had been complied with; the approval period of three years sought under the current application was the same as in the previous approval; and the temporary use for another three years would not jeopardize the planning intention of the “Other Specified Uses” annotated “Service Stations” (“OU(SS)”) zone;
 - (ii) the application was in line with the TPB Guidelines No. 13E in that the site fell within the Category 2 areas where permission for open storages (including containers) and vehicle parks (including container vehicles) might be granted on a temporary basis up to three years; government departments concerned had no objection or adverse comments on drainage, traffic, landscape and environmental

aspects; and all the approval conditions of the last approval had been complied with;

- (iii) although the site fell within the Wetland Buffer Area of the TPB Guidelines No. 12B, the guidelines also specified that planning applications for temporary uses were exempted from the requirement of ecological impact assessment. The Agriculture, Fisheries and Conservation Department had no comment on the application noting that it was for the continuation of the current use on a temporary basis. The nearest pond was about 170m to the north of the site and was separated from the site by a section of San Sham Road, a nullah and Tun Yu Road. It was unlikely that the applied use at the site would have significant adverse off-site disturbance impacts on the fish ponds;
- (iv) the dust pollution complaint received in September 2010 by the Environmental Protection Department was not substantiated, and there was no local objection received against the current application. To mitigate potential environmental impacts on the surrounding areas, approval conditions restricting the operation hours and the stacking height of containers stored on site as well as requiring the maintenance of paving and boundary fencing were recommended. Technical requirements of the Transport Department, Drainage Services Department, Urban Design and Landscape Section of PlanD and Fire Services Department could be addressed by relevant approval conditions; and
- (v) the Committee had approved a total of four applications for temporary container vehicle park, container storage area and vehicle repair within the same "OU(SS)" zone since 1997. Approval of the current application was consistent with the Committee's previous decisions.

81. Members had no question on the application.

Deliberation Session

82. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.3.2012 to 27.3.2015, 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 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation between 5:00 p.m. and 10:00 a.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 8 units at any time during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) a vehicular access/run-in between the site and Tun Yu Road should be maintained at all times during the planning approval period;
- (h) no reversing in or out from the site was allowed at all times during the planning approval period;

- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of as-built drainage plans and sections and photographic records of the existing drainage facilities 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 27.9.2012;
- (k) the submission of landscape and tree preservation proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2012;
- (l) in relation to (k) above, the implementation of landscape and tree preservation proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2012;
- (m) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2012;
- (n) in relation to (m) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.12.2012;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) 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;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) 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

- (q) 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.

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently occurred on the site but not covered by the application. The applicant should take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) to note the comments of the District Lands Officer/Yuen Long that the private land included in the application site comprised Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the Government's prior approval. A Modification of Tenancy No. M14497 was granted to allow the erection of domestic and agricultural structures over Lot 744 (now known as 744 RP) in D.D. 99. No approval was given for the specified structures as site offices, store room and canteen, and no permission was given for the occupation of government land (GL) (about 3 003.36m² subject to verification) included in the site. Access of the site abutted directly onto Tun Yu Road via a short stretch of GL. His office did not provide maintenance works for the GL involved and did not guarantee right-of-way. Applications for Short Term Waiver (STW) and Short Term Tenancy (STT) had been received for regularization of the irregularities on site, which were under processing by his office. If such applications were approved, they would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed

by the Lands Department;

- (d) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Director of Environmental Protection that the applicant should comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North) should there be any effluent discharge from the site;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as detailed in Appendix VI of the Paper;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on site should be removed. The granting of this planning approval should not be construed as condoning to any existing unauthorized structures on site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as offices were considered as temporary buildings and were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Formal submission of any proposed new works, including temporary structures, for approval under the BO was required. If the site did not abut on 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;
- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. His other advice was detailed in Appendix VII of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be

provided to his department for consideration; and

- (i) to note the comments of the Director of Food and Environmental Hygiene that a proper food licence issued by his department was necessary if there was any kind of food business open to public on the site.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/412 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Village Type Development” zone,
Lot 682 S.C RP (Part) in D.D. 102 and Adjoining Government Land,
Tsing Lung Tsuen, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/412)

Presentation and Question Sessions

84. Mr. K.C. Kan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from San Tin Rural Committee objecting to the application on the grounds that vehicles going in/out of the site caused danger to the villagers when they were waiting for buses at the bus stop

outside the entrance of the site, and also hinder passengers boarding and alighting of minibuses/buses, thus causing inconvenience to villagers and affecting the traffic flow; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the development was not incompatible with the surrounding land uses which comprised domestic structures, vacant/ unused lands and ponds. The temporary shop and services (real estate agency) could provide real estate agency service to the nearby residents;
 - (ii) although the site fell within the Wetland Buffer Area of the Town Planning Board Guidelines No. 12B, the guidelines also specified that planning applications for temporary uses were exempted from the requirement of ecological impact assessment. The Agriculture, Fisheries and Conservation Department had no strong view on the application given that the site was currently hard-paved and the applied use would not involve tree felling. As there were ponds to the east of the site, the applicant would be advised to implement necessary measures to avoid causing disturbance and water pollution to the nearby ponds;
 - (iii) as there were domestic structures in close proximity to the application site, approval conditions restricting the operation hours, prohibiting vehicular access and requiring the maintenance of paving and boundary fencing were recommended to minimize any potential environmental nuisance to nearby residents;
 - (iv) concerned government departments had no objection or adverse comments on the application. Technical requirements on drainage, landscape and fire safety aspects could be addressed by relevant

approval conditions; and

- (v) regarding the public comment against the application on traffic ground, the Transport Department had no objection to the application. An approval condition to prohibit vehicular access to the site, as proposed by the applicant, had been recommended.

85. Members had no question on the application.

Deliberation Session

86. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.3.2015, 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 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicular access to the site, as proposed by the applicant, at any time during the planning approval period;
- (c) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (d) setting back the southern portion of the site to avoid encroachment onto the works area of PWP Item No. 4112CD (Drainage Improvement at Northern New Territories – Package A – Drainage Improvement Works in San Tin (Remaining Works)), as and when required by the Government, to the satisfaction of the Director of Drainage Services or of the TPB;
- (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 16.9.2012;

- (f) in relation to (e) above, the provision of drainage facilities and submission of photographic records of the completed 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 16.12.2012;
- (g) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.9.2012;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.12.2012;
- (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 16.9.2012;
- (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 16.12.2012;
- (k) 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;
- (l) if any of the above planning conditions (e), (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; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the temporary development with the concerned owner(s) of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that access to the site abutted directly onto Castle Peak Road–San Tin. His office did not provide maintenance works for the government land involved and did not guarantee right-of-way. The lot owner should apply to his office to permit structures to be erected or regularize any irregularities on site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the Lands Department;
- (d) to follow the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Director of Environmental Protection that the applicant should comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North) should there be any effluent discharge from the site;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that necessary measures should be implemented to avoid causing disturbance and water pollution to the nearby ponds;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department as detailed in Appendix III of the Paper;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the existing structures on the site. Before any new building works were to be carried out on the site, prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. An emergency vehicular access to all buildings under the Building (Planning) Regulations 41D should be provided. His other comments were detailed in Appendix IV of the Paper;
- (i) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to his department for approval. In formulating the FSIs proposal for the proposed structures, the applicant should observe the requirements and his other advice as detailed in Appendix V of the Paper; and
- (j) to note the comments of the Director of Electrical and Mechanical Services as detailed in Appendix VI of the Paper.

[The Chairman thanked Mr. K.C. Kan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Kan left the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/769 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in "Open Space" zone, Lots 904 S.B RP & 907 RP in D.D. 125, Ha Tsuen, Yuen Long

(RNTPC Paper No. A/YL-HT/769)

Presentation and Question Sessions

88. 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 public vehicle park (private cars and light goods vehicles) 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 first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the public vehicle park could serve the needs of residents in nearby villages, namely Lo Uk Tsuen and Tung Tau Tsuen. It was not incompatible with the surrounding area which was largely vacant with residential and open storage uses further away. The Leisure and Cultural Services Department advised that there was no development programme for the subject “Open Space” (“O”) zone, and the applied use was temporary in nature which could be tolerated in the interim. Approval of the application on a temporary basis would not frustrate the planning intention of the “O” zone;
 - (ii) the Environmental Protection Department had no objection to the

application, and there had not been any environmental complaint against the site over the past three years. However, to mitigate any potential environmental impacts, approval conditions restricting the operation hours and the types of vehicles parked (private cars and light goods vehicles only) were recommended;

- (iii) other government departments concerned including the Transport Department had no adverse comment on the application. Technical requirements on the submission and implementation of run-in/out, landscape and tree preservation, and FSIs proposals could be addressed by imposing relevant approval condition; and
- (iv) the Committee had approved previous applications (No. A/YL-HT/260 and 582) for the same temporary public vehicle park since 2002. Since granting these previous approvals, there had been no material change in the planning circumstances. However, medium goods vehicles exceeding 5.5 tonnes were observed on the site. If the application was approved, the applicant would be advised to take immediate action to discontinue any use/development not covered by the permission.

89. Members had no question on the application.

Deliberation Session

90. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.3.2015, 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 pm and 7:00 am, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning

approval period;

- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no material was allowed to be stored/dumped and no vehicle was allowed to be parked within 1m of any tree at any time during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-HT/582 should be maintained at all times 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 16.9.2012;
- (h) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.9.2012;
- (i) in relation to (h) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 16.12.2012;
- (j) the submission of a landscape and tree preservation proposal within

6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.9.2012;

- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.12.2012;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2012;
- (m) in relation to (l), the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.12.2012;
- (n) 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;
- (o) if any of the above planning conditions (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 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.

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

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

- (b) the permission was given to the temporary public vehicle park for private cars and light goods vehicles under application. The permission did not condone to any other use/development, including the parking of medium goods vehicles or any other use/development which currently existed on the site but not covered by the application. The applicant should take immediate action to discontinue any use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the site was situated on Old Scheduled Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without the Government's prior approval. The applicant should apply to his office to permit structures to be erected or regularize any irregularities on site. If the application was approved, it would be subject to such terms and conditions including the payment of premium/fees, as might be imposed by the Lands Department. Besides, he did not guarantee right-of-way for access to the site from Ping Ha Road via government land (GL) and did not provide maintenance works for the GL;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority, and the management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Director of Highways that a run in/out proposal at the access point at Ping Ha Road should be submitted and

implemented 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 adjacent pavement. Adequate drainage measures should also be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out;

- (h) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) for the structures on site should be submitted to his department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). Portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans for storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration; and

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works including temporary structures. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. Containers and open shed for office/guardroom/ storage were considered as temporary buildings, and were subject to control under the Building (Planning)

Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. If the site was not abutting on 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. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/771 Renewal of Planning Approval for Temporary Open Storage of Containers and Container Repairing Area under Application No. A/YL-HT/599 for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 395 (Part), 396 (Part), 399 (Part), 400 (Part), 401 (Part), 402 (Part), 406 (Part), 407 (Part), 427 (Part), 428 (Part), 429, 430 (Part), 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443 S.A, 443 S.B, 445, 446, 447 (Part), 448, 450 (Part), 451 (Part), 453 (Part), 454 (Part), 457 (Part), 546 S.B (Part), 547 (Part), 548 (Part), 549, 550 (Part), 551 (Part), 552 (Part), 553 (Part), 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574 (Part), 575 (Part), 576 (Part), 577 (Part), 578 (Part) and 579 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/771)

Presentation and Question Sessions

92. 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 renewal of planning approval for temporary open storage of containers and container repairing area under Application No. A/YL-HT/599, which would be valid until 27.3.2012, 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 first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the majority (about 96%) of the site was zoned “Recreation” (“REC”). Approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “REC” zone since there was not yet any programme/known intention to implement the zoned use. The remaining area (about 4%) fell within the “Open Storage” (“OS”) zone which had already been occupied by a number of logistics centres, workshops, open storage yards of containers, construction materials and recycling materials. The applied use was therefore not incompatible with the land uses in the “OS” zone which was contiguous to the site;
 - (ii) the application was in line with the Town Planning Board (TPB) Guidelines No. 34B in that there had been no material change in the planning circumstances since the last approval; the approval period of three years sought under the current application was the same as in the previous approval; there was no adverse planning implication arising from the renewal of the planning approval; and the applicant

had complied with all the approval conditions of the last planning approval including the formation of private access road at the junction with Ha Tsuen Road, the submission and implementation of a landscape proposal, the submission of a drainage impact assessment (DIA) and the implementation of flood mitigation measures proposed in the DIA, the submission and implementation of fire service installations (FSIs) proposals, and the provision of fencing;

- (iii) the applied use was in line with the TPB Guidelines No. 13E in that there was no local objection and no adverse comment from concerned government departments, including the Environmental Protection Department (EPD) and Transport Department. Technical requirements regarding the submission and implementation of a landscape and tree preservation proposal and a FSIs proposal could be addressed through the implementation of relevant approval conditions;
- (iv) as the applicant committed to maintain the existing traffic arrangement to prohibit left turn of container vehicles into Ha Tsuen Road upon leaving the site, and there was no environmental complaint against the site over the past three years, EPD advised that the current application could be tolerated. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and the stacking of containers as well as prohibiting workshop activities on site and left turning of container vehicles into Ha Tsuen Road upon leaving the site were recommended;
- (v) due to the demand for open storage and port back-up uses in the area, the Committee had recently approved similar applications (No. A/YL-HT/658, 659, 704, 743 and 757) within the same “REC” and “OS” zones for similar temporary open storage and port back-up uses. 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; and

- (vi) as compared to the previously approved scheme, a tyre-repair workshop was observed at the northeastern corner of the site. The applicant clarified that such workshop was for the repair of tyres of large machineries operating on-site, and was ancillary and essential to the daily operation of the applied use. In this regard, as a number of large mobile cranes were noted on-site, the tyre-repair workshop could be regarded as ancillary to the operation of the site.

93. Members had no question on the application.

Deliberation Session

94. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.3.2012 to 27.3.2015, 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. on Mondays to Fridays, and between 2:00 p.m. and 9:00 a.m. on 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 stacking of containers within 6m from the peripheral fencing of the site, as proposed by the applicant, was allowed at any time during the planning approval period;
- (d) the stacking height of containers stored on the site should not exceed 7 units at any time during the planning approval period;
- (e) a fixed row of 3-unit high container stacked along the northern and western

edges and a fixed row of 2-unit high container stacked along the southern and eastern edges of the site, as proposed by the applicant, should be maintained at all times during the planning approval period;

- (f) other than container repairs as applied for and minor ancillary tyre-repair workshop, no vehicle dismantling, repairing or workshop activities were allowed on the site at any time during the planning approval period;
- (g) no left turn of container vehicles into Ha Tsuen Road upon leaving the site at any time during the planning approval period;
- (h) the erection of a 'Turn Right' traffic sign at the junction of the access road with Ha Tsuen Road to the satisfaction of the Commissioner for Transport or of the TPB during the planning approval period;
- (i) no material was allowed to be stored/dumped within 1m of any tree at any time during the planning approval period;
- (j) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2012;
- (k) in relation to (j) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2012;
- (l) the existing drainage facilities implemented under Application No. A/YL-HT/599 should be maintained at all times during the planning approval period;
- (m) the submission of a condition record of the existing drainage facilities on-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 27.9.2012;

- (n) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2012;
- (o) in relation to (n) above, the implementation of the fire service installations proposal 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 27.12.2012;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (l) 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 (j), (k), (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) the permission was given to the use/development under application. While the minor ancillary tyre-repair workshop on-site might be tolerated, the permission did not condone to any other use/development, including vehicle dismantling, repairing or workshop activities, not covered by the application. The applicant should take immediate action to discontinue any use/development not covered by the permission;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the subject lots were Old Scheduled Agricultural Lots granted under Block Government Lease under which no structures were allowed to be erected without the Government's prior approval. The applications for Short Term Waiver and Short Term Tenancy for regularization of the irregularities on-site were being processed. If such application was approved, it would be subject to such terms and conditions, including the payment of premium/fees, as might be imposed by the Lands Department. Besides, vehicular access to the site would require passing through an informal local track on other private land. His office did not guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (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, and 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 that relevant layout plans incorporated with the proposed fire service installations (FSIs) for the structures on site should be submitted to his department for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). Portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans for storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures. The layout plans should

be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, justifications should be provided for his consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that enforcement action might be taken by the Building Authority (BA) to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under the Buildings Ordinance (BO). Formal submission under the BO was required for any proposed new building works including temporary structures. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The converted containers for temporary office were considered as temporary buildings, and were subject to control under Building (Planning) Regulations (B(P)R) Part VII. Prior approval and consent of the BA should be obtained before any new building works were to be carried out on the site. If the site was not abutting on 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. The site should be provided with means of obtaining access from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D; and

- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant should bear the cost of any works of existing water mains affected by the development; if diversion was not feasible, a waterworks reserve within 1.5m from the centerline of the water mains should be provided to WSD, and no structure should be erected over this waterworks reserve and such area should not be used for storage purpose. WSD reserved the right to enter the site for carrying out

investigation works in the vicinity of the proposed water mains under the ‘Water Supply to Hung Shui Kiu New Town’ project.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/270 Renewal of Planning Approval for Temporary Container Storage Site with Ancillary Office under Application No. A/YL-NTM/232 for a Period of 3 Years in “Open Storage” zone, Lots 2861 (Part), 2863 (Part), 2871, 2873, 2874 (Part), 2875 (Part), 2876 to 2879, 2892, 2893 (Part), 2894, 2895 (Part), 2896 (Part), 2898 (Part), 2899 (Part), 2900 (Part), 2901 (Part), 2908 (Part), 2909, 2910 (Part), 2915 (Part), 2916 (Part), 2917 (Part) and 2918 (Part) in D.D. 102 and Adjoining Government Land, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/270)

96. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited, the consultant of the application. The Committee noted that Ms. Kwong had no direct involvement in the subject application and she had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

97. 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 renewal of planning approval for temporary container storage site with ancillary office under Application No. A/YL-NTM/232, which would be valid until 27.3.2012, 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 application site (the closest being about 36 m away) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use under the application could be tolerated for a further period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the temporary container storage site was generally in line with the planning intention of the “Open Storage” (“OS”) zone. The use at the site was not incompatible with the surrounding uses in the subject “OS” zone which was predominantly occupied by container storage yard and container vehicle parks;
 - (ii) the application complied with the Town Planning Board (TPB) Guidelines No. 34B in that the site was involved in eight previous applications of which seven approvals for various temporary container vehicle parks and container storage uses had been obtained since 1997. There had been no material change in the planning circumstances since the last approval granted in 2009. The site was zoned “OS” and there was no major new development or development proposal in the vicinity, hence no adverse planning implication arising from the renewal of the planning approval was expected. Moreover, the applicant had complied with all the planning conditions of the last approval under Application No. A/YL-NTM/232 in relation to drainage, landscape and fire service installations. The approval period of three years sought under the current application was the same as in the previous approval;

- (iii) the applied use was in line with the TPB Guidelines No. 13E in that there was no adverse comment from the concerned government departments and the technical concerns on water supplies, drainage, landscape and fire safety aspects could be addressed through the implementation of relevant approval conditions. DEP did not support the application because there were sensitive receivers in the vicinity of the site (the nearest was about 36m away). However, it was noted that there was no environmental complaint against the site over the past three years. To address DEP's concern and mitigate any potential environmental impacts, approval conditions restricting the operation hours and the stacking of containers, and prohibiting workshop activities on-site were recommended; and

- (iv) the Committee had recently approved seven similar applications (No. A/YL-NTM/257, 258, 260, 262, 266, 268 and 269) for container tractor/trailer park within the same "OS" 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.

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.3.2012 to 27.3.2015, 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 site boundary to avoid encroachment on the resumption boundary of Contract No. DC/2007/01 – Drainage Improvement Works in Ki Lun Tsuen, Kwu Tung, Ma Tso Lung and Sha Ling as and when required by the Drainage Services Department;

- (b) a clearance of at least 1.5m from the centerline of the existing water mains

at the northern part of the site should be maintained at all times during the planning approval period;

- (c) 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;
- (d) no operation between 8:00 a.m. and 10:00 a.m. and between 5:00 p.m. and 11:00 p.m. on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (f) the stacking height of containers stored at any other locations within the site should not exceed 7 units at any time during the planning approval period;
- (g) no cutting, dismantling, cleansing, repairing and workshop activities, including container repair and vehicle repair, were allowed on the site at any time during the planning approval period;
- (h) the existing fencing on the site should be maintained at all times during the planning approval period;
- (i) the existing landscape planting on the site should be maintained at all times during the planning approval period;
- (j) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (k) the submission of as-built drainage plan and sections 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

27.9.2012;

- (l) the submission of a condition record of the existing drainage facilities on 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 27.9.2012;
- (m) the submission of a tree survey and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.9.2012;
- (n) in relation to (m) above, the implementation of the tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 27.12.2012;
- (o) the submission of fire service installations (FSIs) proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.9.2012;
- (p) in relation to (o) 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 27.12.2012;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (i) or (j) 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
- (r) if any of the above planning conditions (k), (l), (m), (n), (o) or (p) 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.

100. 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 the District Lands Officer/Yuen Long that the private land under application was Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without the Government's prior approval. A Modification of Tenancy (MOT) No. MNT22670 was granted to allow erection of domestic and agricultural structures over Lot 2876 in D.D. 102. Another Letter of Approval (LoA) No. MT/LM6768 was also granted for the erection and maintenance of agricultural structures over Lot 2879 in D.D. 102. Change of use of the site would cause a breach of the terms of the MOT and LoA. No approval was given for the specified structures as site offices, and no permission was given for the occupation of government land (GL) included into the site. Moreover, there was no direct access from the nearby Kwu Tung Road but instead, the site was accessible by an informal local track leading from Kwu Tung Road. His office did not provide maintenance works for the GL and did not guarantee right-of-way. The lot owner(s) should apply to his office to permit the structures to be erected or regularise the irregularities on site. The occupier should also apply to his office for the occupation of GL involved. If such application was approved, it would be subject to such terms and conditions including the payment of premium or fee, as might be imposed by the Lands Department;
- (c) to note the comments of the Commissioner for Transport that the site was connected to an unknown 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, and the management and maintenance responsibilities of the same 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 office was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kwu Tung Road;
- (e) to follow the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department (EPD) to minimize the possible environmental nuisance;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that no public stormwater maintained by DSD was currently available for connection. The area was probably being served by some of the existing local village drains, which might be maintained by the District Officer/Yuen Long (DO/YL). The applicant should approach DO/YL for more details. If the proposed discharge points were to be connected to these drains, the applicant should seek agreement from the relevant department on the proposal. Moreover, no public sewerage maintained by DSD was currently available for connection. For sewage disposal and treatment, agreement from the EPD should be obtained. His other comments were detailed in Appendix VI of the Paper;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was a watercourse near the site and the site was surrounded by trees. The applicant should prevent damaging the trees or polluting the watercourse during operation as far as possible. Besides, there were some ponds to the south of the site. From the fish culture point of view, the applicant should adopt necessary measures to prevent causing any negative impact on these fish ponds;
- (h) to note the comments of the Director of Fire Services that for open storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m traveling distance to structures, portable hand-operated approved appliances should be provided as required

by occupancy and should be clearly indicated on the layout plans. Should the applicant wish to apply for exemption from the provision of certain fire service installations, justifications should be provided for his consideration. His other comments were detailed in Appendix VI of the Paper;

- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the existing water mains would be affected. The applicant should bear the cost of any necessary diversion works affected by the applied use. In case it was not feasible to divert the affected water mains, a Waterworks Reserve within 1.5m from the centerline of the water mains 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 authorize. Besides, the water mains in the vicinity of the site could not provide the standard pedestal hydrant; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that there was no record of approval by the Building Authority for the existing structures at the site. His other comments were detailed in Appendix VI of the Paper.

[The Chairman thanked Mr. Ernest C.M. Fung, STP/TMYL, for his attendance to answer Members' enquires. Mr. Fung left the meeting at this point.]

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/630 Proposed Temporary Horse Riding School for a Period of 3 Years
in “Agriculture” zone, Lots 2831 to 2841, 2842 (Part), 2843 (Part),
2846 (Part), 2847, 2848, 2849 S.A, 2849 S.B (Part), 2849 S.C (Part),
2850 (Part), 2853 (Part), 2855 S.A (Part) and 2855 S.B (Part)
in D.D. 111 and Adjoining Government Land, Wang Toi Shan,
Pat Heung, Yuen Long

(RNTPC Paper No. A/YL-PH/630)

101. The Secretary said that on 16.2.2012, the applicant requested for a deferment of the consideration of the application for a further two months in order to allow time for him to liaise with the fire services and drainage consultants on their fee proposals to prepare supplementary information on drainage and fire services aspects for the application.

102. 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 further period of two months were allowed for preparation of the submission of further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 30

Section 16 Application

[Open Meeting]

A/YL-PH/638 Temporary Shop and Services (Real Estate Agency) and Office
for a Period of 3 Years in “Open Storage” zone,
Lots 362 S.B RP (Part) and 363 RP (Part) in D.D. 114 and
Adjoining Government Land, Yuen Long
(RNTPC Paper No. A/YL-PH/638)

103. The Secretary said that on 27.2.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments from the public and government departments on the application.

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

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/299 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone,
Lot 2829 in D.D. 116, Kong Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/299)

105. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Ted Chan and Associates Limited, the

consultant of the application. The Committee noted that Ms. Kwong had no direct involvement in the subject application and she had tendered an apology for being unable to attend the meeting.

Presentation and Question Sessions

106. Mr. W.W. Chan, 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 – Small House);
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. The layout of the proposed house would be in conflict with two existing mature trees within the site and there was information in the submission to mitigate the adverse landscape impact;
- (d) during the first three weeks of the statutory publication period, two public comments were received from an indigenous villager of Kong Tau Tsuen and Designing Hong Kong Limited. Both of the commenters objected to the application mainly on the grounds that similar application(s) outside the “Village Type Development” (“V”) zone submitted by indigenous villager(s) of Kong Tau Tsuen were also rejected; the proposed development would involve land filling which would worsen the flooding problem of the village; it was not in line with the planning intention of “Agriculture” (“AGR”) zone; and there was no sustainable layout of infrastructure and development (including quality building design, drainage, sewerage, water, street lighting, refuse and parking facilities and local access) for the area; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
- (i) the proposed development was not in line with the planning intention of the “Agriculture” zone. No strong planning justification had been given in the submission for a departure from the planning intention;
 - (ii) the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that there was no general shortage of land in meeting the demand of Small House developments in the subject “V” zone covering Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen. The applicant failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed Small House development; and
 - (iii) there was concern on the application from the landscape planning perspective as the layout of the proposed development would conflict with the two existing mature fruit trees within the site and the applicant failed to demonstrate that such adverse landscape impact would be mitigated.

107. Members had no question on the application.

Deliberation Session

108. 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 “Agriculture” zone which was to retain and safeguard good quality

agricultural land/farm/fish ponds for agricultural purpose 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 for a departure from such planning intention; and

- (b) the application did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in that there was no shortage of land within the “Village Type Development” (“V”) zone of Kong Tau Tsuen, Kong Tau San Tsuen, Nga Yiu Tau and Tong Tau Po Tsuen to meet the demand for Small House development. The applicant failed to demonstrate in the submission why suitable sites within the areas zoned “V” could not be made available for the proposed development. Besides, the applicant failed to demonstrate that the adverse landscape impact on the existing trees within the site would be mitigated. There were no exceptional circumstances to justify approval of the application.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/576 Temporary Open Storage of Scrap Vehicles (Vans and Lorries)
for a Period of 3 Years
in “Residential (Group B) 1” and “Residential (Group D)” zones,
Lots 591 and 592 in D.D. 121, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/576)

Presentation and Question Sessions

109. Mr. W.W. Chan, 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 scrap vehicles (vans and lorries) 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 structures in the vicinity of the site and along the access road and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. The site was located along the toe of a wooded knoll with four existing trees in good condition at the southern end and dense vegetation along and outside the boundary. Although some open storage yards were found to the east of the site, the site was situated in a typical rural area of a natural, green and tranquil landscape character. Hence, the applied use (open storage of scrap vehicles) was not compatible with the surrounding rural environment and natural landscape. Moreover, there was no information in the submission on tree preservation and landscape measures to alleviate the adverse landscape impact arising from the applied use;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied use was not in line with the planning intention of the “Residential (Group B) 1” (“R(B)1”) and “Residential (Group D)” (“R(D)”) zones. It was incompatible with the planned residential use and the existing residential structures scattered in the surrounding areas. Although there were open storage yards in the vicinity of the site, they were mostly suspected unauthorized

developments subject to enforcement action taken by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;

- (ii) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous approval granted for the site and there were adverse comments on the application from DEP and CTP/UD&L because the open storage use would cause nuisance to the sensitive receivers in the vicinity and was not compatible with the adjacent rural environment and natural landscape. Moreover, the applicant had not included any technical assessment/proposal in the submission to demonstrate that the applied use would not generate adverse environmental and landscape impacts on the surrounding areas; and
- (iii) although there were 10 similar applications for temporary open storage uses in the same “R(D)” zone had been previously approved by the Committee / the Board on review, these applications were all approved before 2002. Since 26.10.2001, no further similar application had been approved within the same “R(D)” zone. Moreover, no similar application had been approved in the same “R(B)1” zone. In this regard, the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(B)1” and “R(D)” zones, causing degradation to the surrounding environment.

110. Members had no question on the application.

Deliberation Session

111. 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 applied use was not in line with the planning intention of the “Residential (Group B) 1” (“R(B) 1”) and “Residential (Group D)” (“R(D)”) zones stated in the Notes for the respective land use zones on the Tong Yan San Tsuen Outline Zoning Plan. The site was intended primarily for residential development. 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 applied use would not generate adverse environmental and landscape impacts on the surrounding areas, and there were adverse departmental comments on the application. The applied use was also not compatible with the current and planned residential use in the surrounding areas; and
- (c) as no planning approval for similar uses had been granted in the subject “R(B)1” zone and no planning approval for similar uses had been granted in the subject “R(D)” zone since 2002, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(B)1” and “R(D)” zones. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/577 Proposed Temporary Eating Place and Shop (Grocery Store)
for a Period of 3 Years in “Residential (Group C)” zone,
Lots 1279 S.B ss.1 S.A (Part), 1279 S.B ss.1 S.B (Part) and
1281 (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/577)

Presentation and Question Sessions

112. Mr. W.W. Chan, 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 and shop (grocery store) 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 first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under the application could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed temporary eating place and shop (grocery store) were intended for serving the residential neighbourhood as well as the

workforce of the storage yards in the adjoining “Undetermined” zone. Although the proposed single-storey structure plus toilet of 984m² in total floor area and 3m to 6.5m in height (the site area was about 1 560m²) for accommodating the uses were not small in size (the plot ratio restriction for the subject “Residential (Group C)” (“R(C)”) zone was 0.4), the proposed uses were on a temporary basis and not incompatible with the surrounding environment which was mixed with warehouses, open storage yards and residential structures. As there was no current programme for residential development on the site, the proposed development on a temporary basis would not jeopardize the long-term planning intention of the “R(C)” zone and could be tolerated for the interim period;

- (ii) it was anticipated that the proposed development would not generate adverse environmental and hygienic impacts on the surrounding areas. The Environmental Protection Department and the Food and Environmental Hygiene Department had no adverse comments on the application in this regard. To address possible environmental concerns, approval conditions restricting the operation hours and prohibiting the use of medium and heavy goods vehicles were recommended;
- (iii) other relevant government departments also had no adverse comments on the application. The technical requirements on the landscape, drainage and fire safety aspects could be addressed by imposing relevant approval conditions; and
- (iv) while the proposed development at the site was not considered unacceptable from the planning perspective, the site was currently used as a warehouse for the storage of tiles and miscellaneous items. In this regard, if the application was approved by the Committee, an advisory clause was suggested reminding the applicant that the planning permission given did not condone the warehouse which currently existed on site but was not covered by the application, and

that the applicant should take immediate action to discontinue such use/development not covered by the permission.

113. Members had no question on the application.

Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 16.3.2015, 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 application site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.9.2012;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 16.12.2012;
- (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 16.9.2012;
- (f) in relation to (e) above, the provision of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of

Drainage Services or of the TPB by 16.12.2012;

- (g) the submission of water supplies for fire-fighting and fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.9.2012;
- (h) in relation to (g) above, the implementation of the water supplies for fire-fighting and fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 16.12.2012;
- (i) if any of the above planning conditions (a) or (b) 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;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) 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
- (k) 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.

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

- (a) the permission was given to the use/development under application. It did not condone any other use/development including the warehouse which currently existed on the site but was not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long (DLO/YL) that the lot owners should apply to his office to permit structures to be erected or regularize any irregularities on site. If such application was approved, it would be subject to such terms and conditions, including the payment of premium or fee, as might be imposed by the Lands Department. Besides, the site was accessible through a long stretch of informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track or guarantee right-of-way;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to note the comments of the Director of Environmental Protection that the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' should be observed. For any sewage discharge from the site, the applicant should comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North);
- (g) to note the comments of the Director of Food and Environmental Hygiene that any food business carrying out at the site should be granted with a licence issued by his department. The applicant should not create environmental nuisance affecting the public;

- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the unit of measurement for the size of the proposed trees should be specified in the landscape proposal;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that peripheral u-channels should be provided to surround the whole site to intercept all runoff falling onto and passing through the site. The size of the proposed catchpits and the details of the connection with the existing 750mm surface u-channel should be shown on the drainage proposal. The applicant should check and demonstrate that the hydraulic capacity of the existing 750mm surface u-channel and the existing open channel would not be adversely affected by the development. The location and details of the proposed hoarding should also be shown on the drainage proposal. Moreover, DLO/YL and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;
- (j) 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;
- (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 referral from relevant licensing authority. The provision of emergency vehicular access in the site should comply with the standards as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D;
- (l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority for the existing structures at the site. Before any new building works were to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. An

Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). Enforcement action might be taken by the BA to effect the removal of unauthorized building works (UBW) in accordance with BD's enforcement policy. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the applied use was subject to the issue of a licence, the applicant should note that any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority. If new kitchen, toilet, staff room, store room and grocery store retail were proposed, they were considered as temporary buildings and subject to control under the Building (Planning) Regulations (B(P)R) Pt. VII. Formal submission under the BO was required for any proposed new works, including 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 did not abut on 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 provision of disable facilities under B(P)R 72 and the Design Manual for Barrier Free Access 2008; the provision of natural lighting and ventilation for toilets and kitchen under B(P)R 36 and 30; the provision of means of escape under B(P)R 41(1) and the Code of Practice for Means of Escape in case of Fire; the provision of fire resisting construction under Building (Construction) Regulations 90 and the Code of Practice for Fire Resisting Construction; and the provision of sanitary fitments and drainage discharge under the Building (Standard of Sanitary Fitments, Plumbing, Drainage Works and Latrine) Regulations were applicable and required in the formal submission under the BO; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that 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 applicant and his contractors should 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.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/578 Temporary Open Storage of Plastic Tubes for a Period of 3 Years
in “Residential (Group C)” zone,
Lots 1562 S.B ss.1 (Part) and 1562 S.B ss.30 (Part) in D.D. 119,
Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/578)

Presentation and Question Sessions

116. Mr. W.W. Chan, 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 plastic tubes 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 uses to the immediate east and in the vicinity of the site and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a member of the public and the management

office of One Hyde Park. Both of the commenters objected to the application on the grounds that the site was too close to residential dwellings (only separated from One Hyde Park by a fence wall) and the applied use would cause traffic, noise, visual and environmental hygiene impacts on the surrounding areas; the site would be subject to fire risk due to no provision of fire service installations; and poisonous gas would be emitted from the stored plastic tubes in case of fire; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the applied open storage use was not in line with the planning intention of the “Residential (Group C)” zone. It was incompatible with the existing residential development and structures in the surrounding areas, in particular the residential development of One Hyde Park to its immediate east. Although there were warehouses and open storage yards in the vicinity of the site, they were mostly suspected unauthorized developments subject to enforcement action by the Planning Authority. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the Town Planning Board Guidelines No. 13E in that there was no previous approval granted for the site and there were adverse comments on the application from DEP since the open storage use would cause environmental nuisance to the sensitive receivers to its immediate east and in the vicinity. However, the applicant had not included any technical assessment/ proposal in the submission to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas; and

- (iii) although five applications (No. A/YL-TYST/169, 285, 344, 377 and 555) for temporary warehouse use had been approved on a site to the northwest of the current application site, they were approved mainly on sympathetic consideration when there was no definite programme to realize the planned residential use in the area, and no similar temporary open storage use had been approved before. Besides, with the completion of the residential development of One Hyde Park with 30 houses in 2009 in the same “R(C)” zone to the immediate east of the application site, there was a change in the planning circumstances of the area. The toleration of the applied use would cause potential environmental nuisance to the residential development, and also frustrate the long-term development of the area according to the zoned use.

117. Members had no question on the application.

Deliberation Session

118. 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 “Residential (Group C)” (“R(C)”) zone which was primarily for low-rise, low-density residential developments. 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 assessment had been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on and local objection to the application.

The development was also not compatible with the residential uses to its immediate east and in the vicinity; and

- (c) as no approval for similar temporary open storage use had been granted in the subject “R(C)” zone, approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(C)” zone. The cumulative effect of approving such applications would result in a general degradation of the residential character of the area.

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/579 Proposed Excavation of Land (for Ground Investigation Works for Assessing the Stability of Slopes adjacent to Existing Electricity Pylon) and Filling of Land (for Reinstatement Purpose) in “Conservation Area” zone, Government Land at Uphill Area to the Southeast of Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/579)

Presentation and Question Sessions

119. Mr. W.W. Chan, 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 ground investigation works for assessing the stability of slopes adjacent to existing electricity pylon) and filling of land (for reinstatement purpose);
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
 - (i) the existing pylons were an essential part of electricity supply infrastructure. The proposed excavation of land was required for carrying out ground investigation works to assess the stability of the slopes so as to ensure the safety of the pylons and electricity supply to the public. Hence the application was considered not in contravention with the planning intention of the “Conservation Area” (“CA”) zone;
 - (ii) the proposed excavation of land was required to obtain the geotechnical information of CLP's Pylon No. 4BPB39 and to assess the stability of the surrounding slopes to confirm if Landslip Preventive Measures slope works would be necessary. According to the applicant, there were two boreholes with a maximum diameter of 150mm each and five trial pits of 1.5m(L) x 1.5m(W) x 3m(D). After the geotechnical investigation works, the site would be reinstated to its original condition;
 - (iii) given the relatively small size of the site (about 11.75m²), the reinstatement of the site to its original condition and the temporary nature of the engineering works, it would be unlikely that the proposed excavation of land would jeopardize the long-term planning intention of the “CA” zone or would cause adverse landscape or environmental impacts on the surrounding areas; and

- (iv) it was unlikely that the proposed engineering works would create significant adverse ecological, landscape, traffic and geotechnical impacts on the surrounding areas. Concerned government departments including the Agriculture, Fisheries and Conservation Department, Urban Design and Landscape Section of PlanD, Transport Department and Geotechnical Engineering Office of Civil Engineering and Development Department had no adverse comments on the application. An approval condition requiring the reinstatement of the site, as proposed by the applicant, was recommended to minimize the impacts arising from the proposed ground investigation works.

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 16.3.2016, 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 implementation of ecological mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (b) the submission and implementation of vegetation preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (c) upon completion of the proposed ground investigation works, the reinstatement of the application site to its original condition, as proposed by the applicant, 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/Yuen Long that the application sites fell within unallocated government land. The applicant should apply to his office for the “Permission Letter” to enter onto government land for carrying out the proposed works. The subsequent slope maintenance responsibility of the respective works would be assigned to the applicant. For the purpose of carrying out the proposed works, the applicant should apply from his office for an “Excavation Permit”. No works should be commenced unless and until the relevant documents and approval had been given with the prescribed fee settled. The CLP’s Pylon No. 4BPB39 was covered by the Licence Agreement for Black Point 400KV Transmission Networks issued on 12.12.2000. The applicant should comply with the terms and conditions of the License Agreement in carrying out the proposed works. The proposed ground investigation works were in the vicinity of Government Land Licence No. PNT 3150 which was issued to the villagers of Shan Ha Tsuen of Ping Shan, Yuen Long for the purpose of “Unimproved Grazing and Grass Cutting (including natural tree growth and domestic cropping)”. The applicant should note that Short Term Tenancies No. 1293 and 2285 were in the vicinity of the proposed works. As the proposed ground investigation works fell within the Fung Shui Area, the applicant should seek the comments of the District Officer (Yuen Long) and relevant parties prior to the commencement of works;

- (b) to note the comments of the Director of Environmental Protection that the ‘Recommended Pollution Control Clauses for Construction Contracts’ should be implemented to minimize the short-term impacts during construction;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the excavation works should not obstruct overland flow or adversely affect any existing watercourse, village drains or ditches, etc.;

- (d) to note the comments of the Chief Engineer/Development (2), Water

Supplies Department (WSD) that for provision of water supply to the development, the applicant 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 standard. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant; and

- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors should liaise with the electricity supplier in order to agree on how the works should be carried out in the sites without affecting the overhead lines/pylons. 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 Mr. W.W. Chan, STP/TMYL, for his attendance to answer Members' enquires. Mr. Chan left the meeting at this point.]

Remarks

123. The Chairman said that the remaining item in the Agenda would not be open for public viewing as it was in respect of a rezoning request submitted before the commencement of the Town Planning (Amendment) Ordinance 2004 in June 2005.

Agenda Item 37

Any Other Business

127. There being no other business, the meeting closed at 4:55 p.m..