

TOWN PLANNING BOARD

**Minutes of 507th Meeting of the
Rural and New Town Planning Committee held at 2:30 p.m. on 21.3.2014**

Present

Director of Planning
Mr K.K. Ling

Chairman

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Mr F.C. Chan

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

Chief Engineer (Works), Home Affairs Department
Mr Frankie W.P. Chou

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

Assistant Director/Regional 3,
Lands Department
Ms Anita K.F. Lam

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

Secretary

Absent with Apologies

Mr Timothy K.W. Ma

Mr Rock C.N. Chen

Ms Anita W.T. Ma

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Prof Edwin H.W. Chan

In Attendance

Assistant Director of Planning/Board
Ms Brenda K.Y. Au

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

Town Planner/Town Planning Board
Mr Dennis C.C. Tsang

Agenda Item 1

Confirmation of the Draft Minutes of the 506th RNTPC Meeting held on 7.3.2014

[Open Meeting]

1. The draft minutes of the 506th RNTPC meeting held on 7.3.2014 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

General

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung & Islands (DPO/SKIs), Mr C.K. Soh, District Planning Officer/Shau Tin, Tai Po & North (DPO/STN), Ms Maggie M.Y. Chin, District Planning Officer/Fanling, Sheung Shui & Yuen Long East (DPO/FSYLE), Mr W.S. Lau, District Planning Officer/Tuen Mun & Yuen Long West (DPO/TMYLW), Mr Wilson W.S. Chan, District Planning Officer/Tuen Wan & West Kowloon (DPO/TWK), and Ms Ann O.Y. Wong, Senior Town Planner/New Territories 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 2013/2014
(RNTPC Paper No. 3/14)

3. Ms Ann O.Y. Wong, STP/NTHQ, introduced the background to the review of

“Comprehensive Development Area” (“CDA”) sites. She said that in May 1999, the Town Planning Board (TPB) endorsed the Guidelines for “CDA” Zones and agreed that the review of “CDA” sites designated for more than three years should be conducted annually. 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.

4. With the aid of a PowerPoint presentation, Ms Ann O.Y. 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 68 “CDA” sites in the New Territories by the end of March 2014, including six sites designated for less than three years. The subject review covered 62 sites that had been designated “CDA” for more than three years and the former Burma Lines Military Site. Of the 62 “CDA” sites, 24 of them had no approved Master Layout Plan (MLP) and the remaining 38 sites had approved MLPs;
- (b) the Committee had previously agreed to rezone 11 sites from “CDA” to other appropriate zonings. However, the rezoning of these sites had not been completed because of either on-going studies or priority had been given to rezoning new sites for housing purpose to facilitate early implementation of public and private housing projects. Opportunity would be taken to incorporate rezone of the 11 agreed “CDA” sites in the New Territories in the next round of revision of the relevant Outline Zoning Plans (OZP);

“CDA” Sites with No Approved MLP

- (c) among the 24 “CDA” sites with no approved MLP, 20 sites were proposed for retention. Of the 20 sites, development proposals for two sites were being pursued with MLPs under preparation. The approved MLPs for three sites had lapsed and the applicants were reviewing their proposals for these sites. The review of the land use proposals for eight sites were subject to the findings of on-going or proposed planning studies, while the

remaining seven sites were subject to 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) the remaining four sites and the former Burma Lines Military Site had previously been agreed by the Committee for rezoning and their progress were:
 - (i) the former Burma Lines Military Site in Fanling had been rezoned from “CDA” to “Government, Institution or Community (2)” and “Green Belt” in March 2012. The 2013/14 Policy Address announced that the western part of the site would be reserved for public housing development. Pending completion of an engineering feasibility study, the site would be further rezoned to reflect the intended use; and
 - (ii) four sites in Ha Tsuen (NTW 10-13) had previously been agreed by the Committee for rezoning to “Residential (Group E)” (“R(E)”). They now fell within the study boundary of the “Planning and Engineering Study on the Hung Shui Kiu New Development Area” (HSK NDA Study). Details of the progress of rezoning of these sites were provided in Appendix II of the Paper;

“CDA” Sites with Approved MLP

- (e) among the 38 “CDA” sites with approved MLP, 28 sites were proposed for retention to ensure proper implementation in accordance with the approved MLPs and approval conditions. Detailed justifications for their proposed retention were provided in Appendix III of the Paper;
- (f) six sites had previously been agreed by the Committee for rezoning for residential use. The residential developments on the sites at Tak Yip Street, Yuen Long New Town (i.e. The Parcville) and at the junction of Yuen Lung Street and Yuen Ching Road, Yuen Long New Town (i.e.

YOHO Town) were completed. The proposed rezoning to reflect the as-built conditions of these sites was technical in nature, and would be submitted to the Committee for consideration in the next round of OZP amendment. The residential developments at Castle Peak Road, Hung Shui Kiu (i.e. Uptown) at the junction of Fuk Hang Tsuen Road and Lam Tei Main Street, Tuen Mun (i.e. The Sherwood), and to east of Ping Ha Road and north of Castle Peak Road, Ping Shan were also completed. However, part(s) of these three “CDA” zones were not the subject of the approved schemes. The proposed amendments for these sites would be submitted to the Committee for consideration after the reviews of the zoning of residual portions were completed. For the site to the northeast of Lingnan University Main Campus at Fu Tei, Tuen Mun (i.e. Beneville), Phase I of the residential development was completed whilst Phase II had not commenced yet. The development parameters of Phase II would be incorporated into the new zoning which would also reflect the as-built condition of Phase I. The progress of these six sites and detailed justifications for rezoning were detailed in Appendix IV of the Paper;

- (g) the residential development of a site at Che Kung Temple Station, Tai Wai (i.e. The Riverpark) was completed in May 2013, it was proposed to rezone the site to residential zone to reflect the completed development. Detailed justifications for proposed rezoning of the site were provided in Appendix V of the Paper;
- (h) the remaining three sites had potential for rezoning. Phase I of the development (eastern part of the site) at Tuen Mun Area 56 (i.e. Avignon) was completed in August 2011. This part of the site could be rezoned to residential use to reflect the completed residential development. Phase II of the development (western part of the site) was approved by the Committee in March 2013 and the zoning of the western part would be reviewed upon completion of the development. As the building works of Park Island at Tung Wan and Tung Wan Tsai, Ma Wan Island were substantially completed, the site could be rezoned pending the Transport Department’s approval of the contingency plan for traffic management and

full compliance of approval conditions including the submission and implementation of a revised landscape master plan. For the site at Tung Chung Town Centre, the development was completed in February 2011 and approval conditions were complied with. The site could be rezoned to reflect the completed development pending other potential amendments to the OZP after completion of the Tung Chung New Town Extension Study. Detailed justifications for rezoning of these sites were provided in Appendix VI of the Paper; and

- (i) to sum up, of the total 63 sites reviewed (including the former Burma Lines Military Site), 48 sites were proposed for retention, 11 sites had already been agreed for rezoning, one site was proposed for rezoning and three sites had potential for rezoning;

5. In response to the Chairman's question on the five sites which had previously been agreed by the Committee for rezoning but with no approved MLP, Ms Ann Wong said that the former Burma Lines Military Site in Fanling had been rezoned from "CDA" to "Government, Institution or Community (2)" and "Green Belt" in March 2012. The Chief Executive subsequently announced in the 2013/14 Policy Address that the western part of the site would be reserved for public housing development. The site would be rezoned to reflect the proposed use, pending the completion of an engineering feasibility study to be undertaken by the Civil Engineering and Development Department. The Committee had previously agreed to rezone four sites in Ha Tsuen to "R(E)". The proposed rezoning was subject to the outcome of the on-going HSK NDA Study.

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 4.2.1 and 4.3.2 and detailed at Appendices I and III of the Paper;

- (c) note the agreement of the Committee to rezone the sites mentioned in paragraphs 4.2.3 and 4.3.3 and detailed at Appendices II and IV of the Paper;
- (d) agree in-principle to the proposed rezoning of the “CDA” site in paragraph 4.3.4 and detailed at Appendix V of the Paper; and
- (e) note the sites with potential for rezoning in paragraph 4.3.5 and detailed at Appendix VI of the Paper.

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

Sai Kung and Islands District

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mr T.C. Cheng, Senior Town Planner/Sai Kung and Islands (STP/SKIs), were invited to the meeting at this point.]

Agenda Item 4

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the

Approved Lamma Island Outline Zoning Plan No. S/I-LI/9

(RNTPC Paper No. 4/14)

7. With the aid of a Powerpoint presentation, Mr T.C. Cheng, STP/SKIs, briefed Members on the proposed amendments to the approved Lamma Island Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

Proposals

- (a) to rezone the site of the existing North Lamma Public Library (NLPL) (about 0.04 hectare) from “Government, Institution or Community(1)” (“G/IC(1)”) to “Government, Institution or Community (4)” (“G/IC(4)”) to relax the building height (BH) from 4m to 3 storeys for the proposed Yung Shue Wan Library cum Heritage and Cultural Showroom which was under the Signature Project Scheme (YSW SPS) of the Islands District Council. The proposed YSW SPS would comprise 3 storeys and provide additional space for enhancing library services on the upper floors and a cultural and heritage showroom on the ground floor;
- (b) to rezone the site (about 0.02 hectare) of the existing Ling Kok Shan Transmission Station (LKSTS) from “Conservation Area” (“CA”) to “Government, Institution or Community (5)” (“G/IC(5)”) to reflect the existing radio transmission station; and
- (c) to rezone the site (about 0.03 hectare) of the Asia Television Limited Television Transmission Station (ATV TVTS) from “CA” to “Government, Institution or Community (6)” (“G/IC(6)”) to reflect the ATV TVTS which was the subject of a planning application No. A/I-LI/9 approved by the Committee in September 2007;

Proposed Amendments to the Notes of the OZP

- (d) the proposed “G/IC(4)” zone would be subject to a maximum BH of 3 storeys;
- (e) the proposed “G/IC(5)” zone would be subject to a maximum BH of 5m except an antenna tower up to 20m; and
- (f) the proposed “G/IC(6)” zone would be subject to a maximum BH of 15m except an antenna tower up to 15m;

Technical Assessments and Consultation

- (g) the District Office(Islands), Home Affairs Department (DO(Is), HAD) had commissioned a consultant to investigate the potential visual and landscape impacts of the proposed YSW SPS. The investigation concluded that the proposed YSW SPS should set back from the waterfront area; the existing vegetation on the waterfront would be retained to screen the development from various view points and it would not affect the existing mountain backdrop setting. Besides, several design features including special façade treatment and details in reducing the bulkiness of the building would be incorporated into the proposed YSW SPS development. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no in-principle objection to the rezoning proposal and the development restriction of the site from urban design and visual impact perspectives. Detailed tree survey and tree preservation clause would be stipulated in the future land allocation to preserve the mature trees found on the waterfront and at the slope to the northeast of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) and CTP/UD&L, PlanD had no objection to or no adverse comments on the rezoning proposal from nature conservation and landscape perspectives;
- (h) on the environmental and infrastructure aspects, provision for treatment disposal of the sewage arising from the proposed YSW SPS would be needed to meet the requirements of the Water Pollution Control Ordinance. It was anticipated that the proposed YSW SPS would have no insurmountable problems on drainage, sewerage, environmental (air and noise), traffic, natural terrain, electricity and water supply aspects as advised by the concerned departments including the Drainage Services Department, Environmental Protection Department, Transport Department, Geotechnical Engineering Office of Civil Engineering and Development Department, Electrical and Mechanical Services Department and Water Supplies Department;
- (i) regarding the proposed rezoning of the LKSTS and the ATV TVTS sites, it was noted that the two sites were largely covered by existing structures and

had limited ecological value. The only plant species of concern was *Artocarpus hypargyreus* which was located in an area zoned “CA” to the east of the ATV TVTS site. This tree was protected under the terms of the Short Term Tenancy No. STT CX 1834. The Director of Environmental Protection and DAFC had no objection to or no adverse comments on the proposed rezoning; and

- (j) the Islands District Council (IsDC) supported the proposed YSW SPS. The IsDC and Lamma Island (North) Rural Committee would be consulted during the exhibition period of the draft Lamma Island OZP No. S/I-LI/10 for public inspection under section 5 of the Town Planning Ordinance.

8. In response to a Member’s question on why there were developments in the “CA” zone, Mr Ivan M.K. Chung, DPO/SKIs, said that LKSTS had already existed before the gazetting of the first OZP in 2000 while the ATV TVTS was approved by the Committee under a planning application on 3.9.2007 after taking into consideration the environmental impact assessment submitted by the applicant.

[Dr Wilton W.T. Fok arrived to join the meeting at this point.]

9. In response to another Member’s question on the utilisation rate of the existing library, Mr Ivan Chung said that NLPL was the only public library on Lamma Island which would be used by the local residents as it was at a convenient location adjacent to the ferry pier. The redevelopment of the existing library was one of the signature projects identified and supported by IsDC. The proposed amendment would facilitate enhancement of the library services and improving the tourist attraction of Lamma Island by providing a cultural and heritage showroom on the ground floor of the development;

10. In response to a Member’s question, Mr Ivan Chung said that the proposed bicycle parking area next to the NLPL site would be on a deck structure and no reclamation would be involved.

11. A Member asked whether a building height restriction (BHR) in terms of metres above the Hong Kong Principal Datum (mPD) would be imposed. Mr Ivan Chung said that

DO(Is), HAD had just commissioned consultants to work out the design of the proposed YSW SPS and the exact building height had not yet been determined. The proposed BHR in terms of number of storeys, instead of mPD level, would allow more design flexibility. In view of the waterfront location of the NLPL site, PlanD would liaise closely with DO(Is), HAD on the design of YSW SPS to ensure that its visual impact would be acceptable.

12. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Lamma Island Outline Zoning Plan (OZP) No. S/I-LI/9 as shown on the draft Lamma Island OZP No. S/I-LI/9C (to be renumbered as S/I-LI/10) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition for public inspection under section 5 of the Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Lamma Island OZP No. S/I-LI/9C (to be renumbered as S/I-LI/10) as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

Agenda Item 5

[Open Meeting (Presentation and Question Sessions only)]

Proposed Amendments to the

Approved Cheung Chau Outline Zoning Plan No. S/I-CC/5

(RNTPC Paper No. 5/14)

13. Mr Lincoln L.H. Huang and Dr W.K. Yau had declared interests in this item as Mr Huang was the shareholder and director of a company which owned a property at a distant location in relation to the sites proposed for rezoning on Cheung Chau while Dr Yau was involved in the operation of an education centre on the island. The Committee noted that the interests of these two Members were indirect or remote and agreed that they could stay in the meeting.

14. The Committee noted that replacement pages of pages 3, 4, 15, 16 and 17 of Appendix IV of the Paper were tabled at the meeting.

15. With the aid of a Powerpoint presentation, Mr T.C. Cheng, STP/SKIs, briefed Members on the proposed amendments to the approved Cheung Chau Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

- (a) to rezone a site (about 0.069 hectare) at Ping Chong Road from “Other Specified Uses” (“OU”) annotated “Shipyard and Ship Repairing Workshop” to “Commercial (3)” (“C(3)”) to reflect the approved scheme under Application No. Y/I-CC/1 for conversion of an existing 2-storey vacant commercial building to restaurant use which was approved by the Committee on 10.8.2012. The Committee also agreed to the stipulation of a maximum plot ratio (PR) of 1.5 and building height (BH) of 2 storeys (7.62m) for the site;
- (b) to rezone a site (about 0.046 hectare) at Fa Peng Road from “Government, Institution or Community (4)” (“G/IC(4)”) to “Residential (Group C)7” (“R(C)7”) with a maximum PR of 0.9, site coverage (SC) 45% and BH of 2 storeys (7.62m) to reflect the approved scheme under Application No. Y/I-CC/2 for house use which was approved by the Committee on 21.6.2013;
- (c) to rezone a site (about 0.145 hectare) at Fa Peng Road from “G/IC(4)” to “Green Belt” to preserve an existing young woodland after reviewing the land use of the Government land in the remaining “G/IC(4)” zone immediately surrounding the site under Application No. Y/I-CC/2 as requested by the Committee;
- (d) to rezone a site previously used by the Taoist Temple (about 0.11 hectare) at Fa Peng Road from “G/IC(4)” to “Residential (Group C)8” (“R(C)8”) given that the site was relatively flat and suitable for residential development; and

- (e) to rezone a site (about 0.23 hectare) at Fa Peng Road from “Residential (Group C)5” to “R(C)8” to take forward the policy initiative to increase the maximum domestic PRs allowed in different Density Zones as far as permissible in planning terms. The proposed “R(C)8” zone would be subject to a maximum PR of 0.8, SC of 40% and BH of 3 storeys in the Notes of the OZP;
- (f) in considering the proposed “R(C)8” zone, the Planning Department had taken into consideration a number of factors including the land uses surrounding Fa Peng Road which comprised mainly low-rise, low density residential developments of 2 to 3-storey high, visual, urban design, air ventilation, landscape, traffic, environmental and infrastructural impacts. Concerned Government bureaux and departments had no objection to or no adverse comment on the proposed amendments; and
- (g) the Islands District Council and Cheung Chau Rural Committee would be consulted during the exhibition period of the draft Cheung Chau OZP No. S/I-CC/6 for public inspection under section 5 of the Town Planning Ordinance (the Ordinance);

16. In response to a Member’s question, Mr Ivan M.K. Chung, DPO/SKIs, said that there was no fee charged for any planning application. However, the Lands Department might charge the applicant for any modification of the lease where required. The Secretary supplemented that the proposal of charging fees on planning applications had been examined in the context of the previous Town Planning Amendment Bill but it was decided not to be pursued for the time-being;

17. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the approved Cheung Chau Outline Zoning Plan (OZP) No. S/I-CC/5 as shown on the draft Cheung Chau OZP No. S/I-CC/5C (to be renumbered as S/I-CC/6) at Appendix II of the Paper and the draft Notes at Appendix III of the Paper were suitable for exhibition

for public inspection under section 5 of the Ordinance; and

- (b) adopt the revised Explanatory Statement (ES) at Appendix IV of the Paper for the draft Cheung Chau OZP No. S/I-CC/5C (to be renumbered as S/I-CC/6) as an expression of the planning intentions and objectives of the Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

Agenda Item 6

Section 16 Application

[Open Meeting]

A/I-NEL/5 Proposed Temporary Concrete Batching Plant for a Period of 3 Years
in “Undetermined” Zone, Lot No. 30 (Part) in D.D. 362 Lantau, Tsing
Chau Wan, Lantau
(RNTPC Paper No. A/I-NEL/5B)

18. The Secretary reported that Mr H.F. Leung and Mr Ivan C.S. Fu had declared interests in this item. RHL Surveyors Limited, one of the consultants of the applicant, had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, in which Mr Leung was working. Mr Fu had current business dealings with Environ Hong Kong Limited, one of the consultants of the applicant. The Committee noted that the applicant had requested for deferment of consideration of the application and Mr Leung and Mr Fu had no direct involvement in this application, and agreed that they could stay in the meeting;

19. The Secretary reported that the application had been deferred twice for four months. Since the last deferment, the applicant on 13.3.2014 had submitted further information (FI) in response to the comments of the Transport Department and Environmental Protection Department on the revised Traffic Impact Assessment and Environmental Assessment. As more time was needed to provide comments on the FI, the Planning Department requested the Committee to defer making a decision on the application until the next meeting on 4.4.2014 in order to allow time to consult concerned departments on

the FI;

20. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration in the next meeting on 4.4.2014.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-TMT/42 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” Zones, Lots No. 122
S.A and S.B in D.D. 216, O Tau Village, Sai Kung
(RNTPC Paper No. A/SK-TMT/42B)

21. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Meinhardt Infrastructure and Environment Limited, one of the consultants of the applicant. The Committee noted that the applicant had requested for deferment of consideration of the application and Mr Fu had no involvement in this application, and agreed that he could stay in the meeting;

22. The Secretary reported that the application had been deferred twice for three months. The applicant requested on 12.3.2014 for deferment of consideration of the application for one month in order to allow time for the applicant to address further comments of relevant Government departments.

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

applicant that one month was allowed for preparation of the submission of the further information, and since a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs, and Mr T.C. Cheng, STP/SKIs, for their attendance to answer Members' enquires. They left the meeting at this point.]

Sha Tin, Tai Po and North District

[Mr C.T. Lau and Mr Anthony K.O. Luk, Senior Town Planners/Shan 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/NE-KLH/463 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" and "Village Type Development" Zones, Lot 990 S.C RP
in D.D. 9, Nam Wa Po Village, Tai Po
(RNTPC Paper No. A/NE-KLH/463)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in

paragraph 10 and Appendix IV of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, a public comment was received from a villager of Nam Wa Po Village objecting to the application for reasons that the site had been used for recreational and religious purposes by villagers, the proposed development would disturb the ‘fung shui’, and cause adverse traffic impact to the surrounding area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Regarding the concerns raised in the public comment, relevant Government departments, including the Commissioner for Transport, had no objection to or no adverse comment on the application. The issue of ‘fung shui’ was not a relevant planning consideration.

25. Members had no question on the application;

Deliberation Session

26. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the provision of drainage facilities to satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the

satisfaction of the Director of Water Supplies or of the TPB; and

- (d) the provision of adequate protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval has been given by TPB, LandsD will process the Small House application. If the Small House approved by LandsD acting in the capacity as landlord as its sole discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of emergency vehicular access thereto;
- (b) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House shall only commence after the completion of the sewerage programme; the proposed house shall be connected to the future public sewer connection works; and the applicant shall connect the house to the future public sewer at his/her own cost; and adequate land will be reserved for the future sewer connection works;
- (c) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department that:
 - (i) public sewers would be provided in Nam Wa Po. The public sewerage works commenced in July 2013 and is anticipated to be completed in mid-2017; and
 - (ii) the applicant shall complete the necessary sewerage works to connect the proposed Small House to the public sewerage in future. As per the current public sewerage scheme, sewer connection points

are available on the south of the proposed Small House;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the construction of the New Territories Exempted House/Small House shall not be commenced before the completion of the planned public sewerage system; for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection; and the applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site is close to Fanling Highway, the applicant is reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the public roads, and to assess the impact on the proposed house due to the Tolo Highway/Fanling Highway Stage 2 works and implement necessary measures;
- (g) to note the comments of the Commissioner for Transport that as the existing village access connecting the site is not under the Transport Department's management, the applicant should clarify the land status, management and maintenance responsibilities of the village access with the relevant lands and maintenance authorities accordingly in order to avoid potential land disputes; and
- (h) to note that the permission is only given to the development under the

application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from TPB where required before carrying out the road works.”

Agenda Item 9

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/493 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 825 S.B in D.D. 19, She Shan Tsuen, Lam
Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/493)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site fell entirely outside the village ‘environs’ (‘VE’) of She Shan Tsuen. The Director of Environmental Protection (DEP) did not support the application as the site fell within Water Gathering Grounds (WGG), and sewer connection to the planned sewerage system was not feasible unless legal access rights across the adjacent private lots were

granted. The sewage discharge from the proposed Small House would have potential to cause water pollution within WGG. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) also objected to the application as the site was located within upper indirect WGG. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation for agricultural activities;

- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited objecting to the application mainly on grounds that there was no strong justification given in the submission for a departure from the planning intention of the “Agriculture” (“AGR”) zone and no impact assessments on the environmental, traffic, drainage, sewerage aspects had been submitted; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The proposed development was also not in line with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the proposed Small House footprint fell outside the “Village Type Development” zone and ‘VE’ and the applicant failed to demonstrate that the proposed Small House within WGG could be connected to the planned sewerage system in the area and would not cause water pollution to the WGG. Concerned departments including DAFC, DEP, CE/Dev(2), WSD and DLO/TP, LandsD did not support the application.

29. Members had no question on the application.

30. 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 is not in line with the planning intention of the “Agriculture” (“AGR”) zone, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission to justify a departure from the planning intention;
- (b) the proposed development does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that more than 50% of the footprint of the proposed Small House falls outside both the “Village Type Development” zone and the village ‘environs’ of She Shan Tsuen; and
- (c) the proposed development is located within the Water Gathering Grounds. The applicant fails to demonstrate that the proposed development can be connected to the planned sewerage system and would not create adverse impact on the water quality in the area.”

Agenda Item 10

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/499 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lots No. 625 S.B ss.1 S.A and 625 S.B ss.9 in D.D.
15 and Adjoining Government Land, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/499)

31. The Secretary reported that replacement pages of pages 11 and 12 of the Paper had been sent to Members and were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix V of the Paper. Although the site fell within the upper indirect Water Gathering Grounds, the Director of Environmental Protection and Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application since sewerage connection would be available near the proposed Small House upon completion of the proposed village sewerage works and the applicant had provided a sewerage proposal to connect to the public sewerage system in the area. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department's (H(GEO), CEDD) was concerned that the proposed Small House development might affect the existing slope features. Other concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from the Kadoorie Farm & Bontanic Garden Corporation, Designing Hong Kong Limited and Hong Kong Bird Watching Society objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of "Green Belt" zone; it would bring about adverse impacts on sewerage,

agricultural land and food production and would set an undesirable precedent for similar applications; and there were no environmental, traffic, drainage and sewerage impact assessments in the submission.; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. Most Government departments consulted had no objection to or no adverse comment on the application. H(GEO), CEDD's concern on potential impact on the existing slope features could be addressed by including an advisory clause requiring the applicant to make site formation submission to the Building Authority and/or Lands Department. Regarding the public comments against the application, the proposed development was considered not incompatible with the surrounding areas. The Chief Town Planner/Urban Design & Landscape, Planning Department had no objection to the application. CE/Dev(2), WSD had no objection to the application as the proposed Small House development could be connected to the planned public sewerage system in the area. In this regard, the proposed development complied with the Town Planning Board Guidelines No. 10. The Director of Agriculture, Fisheries and Conservation had no adverse comment on the application as the site was already hard paved. Other concerned Government departments, including the Transport Department, Drainage Services Department, Environmental Protection Department and Fire Services Department had no objection to or no adverse comments on the application. Relevant approval conditions and advisory clauses had also been recommended to address the commenters' concerns.

33. Members had no question on the application.

Deliberation Session

34. 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 21.3.2018, and after the said date, the permission should cease to have

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

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

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

- “(a) to note the comments of the Director of Environmental Protection (DEP) that construction of the proposed Small House shall not commence before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Adequate land should be reserved for the future sewer connection works;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public drain in the vicinity of the Site. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during

operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the Site. DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) since the proposed New Territories Exempted House/Small House itself is less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible;
 - (ii) the whole of the foul effluent shall be conveyed through cast iron pipes or other approved materials with sealed joints and hatch boxes;
 - (iii) for provision of water supply to the development, the applicant may need to extend his inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
 - (iv) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the comments of the Director of Fire Services that the applicant should observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (f) to note the comments of the Head of Geotechnical Engineering Office,

Civil Engineering and Development Department that the proposed development would affect existing slope features No. 3SE-C/C186 and 3SE-C/DT40. According to his records, the stability conditions of the two features are unknown and the site has been substantially modified by unauthorized site formation works. The applicant is required to make site formation submissions covering the investigation of stability of any man-made slopes/retaining walls and natural slopes within or near the proposed developments to the Building Authority and/or LandsD for approval as required under the provisions of the Buildings Ordinance; and

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

Agenda Item 11

Section 16 Application

[Open Meeting]

A/NE-TK/500 Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” Zones, Lot No. 625 S.B ss.8 in D.D. 15, Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/500)

36. The Secretary reported that the applicant requested on 5.3.2014 for deferment of the consideration of the application for two months in order to allow sufficient time to address the comments of concerned Government departments. This was the first time that the applicant requested for deferment.

37. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/501 Proposed House (New Territories Exempted House - Small House) in
 "Agriculture" and "Green Belt" and "Village Type Development"
 Zones, Lot No. 625 S.B ss.7 in D.D. 15, Shan Liu, Tai Po
 (RNTPC Paper No. A/NE-TK/501)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 11 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application for reason that the site fell partly within the "Agriculture" zone and had high potential for rehabilitation of agricultural activities. Although the site fell

within the upper indirect Water Gathering Grounds, the Director of Environmental Protection and Chief Engineer/Development(2), Water Supplies Department had no objection to the application since the proposed Small House could be connected to the public sewerage system under construction in the area via private lots, and owner's consent for sewage pipes passing through the concerned lots had been provided by the applicant;

- (d) during the first three weeks of the statutory publication period, three public comments were received from the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and Hong Kong Bird Watching Society objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of "Green Belt" and "Agriculture" zones; it would bring about adverse impacts on sewerage, agricultural land and food production and would set an undesirable precedent for similar applications; and there were no environmental, traffic, drainage and sewerage impact assessments in the submission; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 13 of the Paper. Regarding DAFC's concerns, the proposed Small House complied with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that more than 50% of the proposed Small House footprint fell within the village 'environs' of Shan Liu Village, there was a general shortage of land in meeting the demand for Small House development in the "Village Type Development" zone of Shan Liu Village and the proposed Small House could be connected to the planned sewerage system in the area. Regarding the public comments against the proposed development, relevant approval conditions and advisory clauses had been recommended to address the commenters' concerns.

39. Members had no question on the application.

Deliberation Session

40. 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 21.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the Director of Environmental Protection (DEP) that construction of the proposed Small House shall not commence before the completion of the public sewerage system. Upon completion of the public sewerage system, the applicant should connect the proposed house to the public sewer at his own costs. Confirmation of the Lands Department (LandsD) should be sought on the legality of the consent letter from the landlord for granting the access rights to the applicant for proceeding with the proposed sewer connection and maintenance works in the relevant adjacent land lots. The applicant shall take up full ownership as well as construction and maintenance responsibility for the sewerage connection system. The sewerage connection point shall be within the Site.

Adequate land should be reserved for the future sewer connection work;

- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary government land issues with the District Lands Officer/Tai Po in order to demonstrate that it is both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot(s) and government land;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public drain in the vicinity of the site. The applicant is required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site. DEP should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that:
 - (i) since the proposed New Territories Exempted House/Small House itself is less than 30m from the nearest watercourse, the house should be located as far away from the watercourse as possible;
 - (ii) the whole of the foul effluent shall be conveyed through cast iron pipes or other approved materials with sealed joints and hatch boxes;
 - (iii) for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land

matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (iv) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD; and
- (f) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

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

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/546 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” Zone, Lot 179 S.A ss.6 in D.D. 23, Wai Ha Village,
Shuen Wan, Tai Po
(RNTPC Paper No. A/TP/546)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application for reasons that the site was a piece of a fallow agricultural land located south of Tung Tsz Road within a vegetated area overgrown with groundcover. Shrubs and woodland trees could be found in close proximity to the southwest of the site. Although there was no existing tree within the site boundary, the “Green Belt” (“GB”) zone to the south of Tung Tsz Road was predominantly undisturbed by development and currently remained in good condition. All village development had been confined to the north of Tung Tsz Road. If the application was approved, it would likely set an undesirable precedent and encourage similar Small House developments to the south side of Tung Tsz Road, encroaching onto the “GB” zone and deteriorating the existing rural landscape quality. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) objected to the application for reason that the proposed Small House was overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS), unless the applicant was prepared to undertake a NTHS and to provide suitable mitigation measures, if found necessary, as part of the development. However, this could have significant cost implication and render this Small House development not economically viable;
- (d) during the first three weeks of the statutory publication period, four public comments were received from the World Wide Fund for Nature Hong

Kong, Kadoorie Farm & Bontanic Garden Corporation, Designing Hong Kong Limited and Hong Kong Bird Watching Society objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone and the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) on Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance; the site was not suitable for the proposed development due to development constraint including the absence of proper access; the proposed development would cause adverse ecological impact including water pollution and soil contamination to the surrounding area; similar applications in the area were rejected by the Town Planning Board; and the proposed development would set an undesirable precedent for future applications that undermine the function and value of the “GB” zone; 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. CTP/UD&L, PlanD objected to the application as the proposed development would deteriorate the existing rural landscape quality if it was approved by the Committee. The proposed development was not in line with the planning intention of the “GB” zone. There was a general presumption against development within this zone. The application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories and TPB-PG No. 10 for development within “GB” zone in that the proposed development would have adverse landscape and geotechnical impacts on the surrounding areas. The site fell within an area zoned “GB” and its surrounding areas were predominantly undisturbed by development and fallow agricultural land covered with dense overgrown of shrubs. H(GEO), CEDD did not support the application for reason that the site was overlooked by steep natural hillside and met the alert criteria requiring a NTHS.

43. In response to a Member’s question, Mr C.T. Lau said that the Director of Agriculture, Fisheries and Conservation had noted that the site did not fall within the “Agriculture” zone and he had no strong view on the application from the agricultural

development point of view.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is 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 is a general presumption against development within this zone. There is no strong justification in the submission to justify a departure from this planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 10 on Application for Development within “GB” zone under section 16 of the Town Planning Ordinance in that the proposed development would adversely affect existing natural landscape in the area; and
- (d) the approval of the application 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.”

Agenda Item 14

Section 16 Application

[Open Meeting]

A/TP/547

Proposed Religious Institution and Columbarium in “Green Belt” Zone, Lots 6 R.P., 54 R.P., 56, 440 S.A R.P., 441 R.P., 443 S.A, 443 R.P. and 445 in D.D. 24 and Adjoining Government Land, No. 43 Ma Wo Road, Tai Po

(RNTPC Paper No. A/TP/547)

45. The Secretary reported that the applicant requested on 17.3.2014 for deferment of consideration of the application for one month in order to allow sufficient time to address the comments of the relevant Government departments. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/842 Shop and Services (Real Estate Agency) in “Industrial” Zone,
Workshop E3, G/F, Haribest Industrial Building, 45-47 Au Pui Wan
Street , Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/842)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (real estate agency) under application;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; 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. If the application was approved, the aggregate commercial floor area at the ground floor of the subject industrial building including the subject shop would be 57.54m², which was within the maximum permissible limit of 460m². The use under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines No. 25D including the fire safety and traffic aspects. If the application was to be approved, a temporary approval of three years was recommended in order

not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

48. Members had no question on the application.

Deliberation Session

49. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2014; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

50. 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 is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;

- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected;
- (f) to note the comments of the Director of Fire Services that:
 - (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application; and
 - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and
- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/843 Proposed Hotel in “Industrial (1)” Zone, Sha Tin Town Lot 248, Sha Tin
(RNTPC Paper No. A/ST/843)

51. The Secretary reported that the application was submitted by Incheri Limited, which was a subsidiary of Sun Hung Kai Properties Limited, with Llewelyn-Davies Hong Kong Limited, AECOM Asia Company Limited, AXXA Group Limited, Nikken Sekkei Limited and Environ Hong Kong Limited as consultants. The following Members had declared interests in this item:

Mr Ivan S.C. Fu having current business dealings with Sun Hung Kai Properties Limited, AECOM Asia Company Limited and Environ Hong Kong Limited

Ms Janice W.M. Lai having current business dealings with Sun Hung Kai Properties Limited and AECOM Asia Company Limited

52. The Committee noted that Ms Janice W.M. Lai had tendered apologies for not attending the meeting. The Committee considered that Mr Ivan S.C. Fu’s interests were direct and agreed that he should leave the meeting temporarily.

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

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed hotel development;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper.

54. Members had no question on the application.

Deliberation Session

55. 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 21.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the design and provision of car parking spaces, loading / unloading facilities, internal roads and ingress / egress to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the submission of an updated Traffic Impact Assessment to the satisfaction of the Commissioner for Transport or of the TPB; and
- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.”

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

“(a) to note the comments of the Chief Building Surveyor/New Territories East (2) and Rail, Buildings Department that:

(i) Hotel Concessions under B(P)R23A will only be granted subject to compliance with the criteria stipulated in Practice Note for Authorized Persons and Registered Structural Engineers No. APP-40 and acceptance from the concerned departments and the approval of the application does not imply that the proposed non-domestic plot ratio of the proposed hotel development and the proposed gross floor area exemption for back-of-house facilities would be granted by the Building Authority;

(ii) the proposed use shall comply with the requirements under the Buildings Ordinance. In accordance with the Government’s committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included, where possible; and

(iii) Practice Note for Authorized Persons and Registered Structural Engineers No. APP-2, Hong Kong Planning Standards and Guidelines and the advice of Commissioner for Transport will be referred to when determining exemption of gross floor area calculation for above ground or underground car parking space; and

(b) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access shall comply with Section 6, Part D of the “Code of Practice for Fire Safety in Building 2011”, which is administered by the Buildings Department.”

[The Chairman thanked Mr C.T. Lau and Mr Anthony K.O. Luk, STPs/STN, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Ms Wendy W.L. Li, Mr C.K. Tsang and Mr Ernest C.M. Fung Senior Town Planners/Fanling, Sheung Shui & Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/362 Renewal of Planning Approval for Temporary Godown with Ancillary Office and Staff Quarters Use under Application No. A/NE-KTS/305 for a Period of 3 Years in “Recreation” Zone, Lots 1623 S.B, 1624 S.A to S.I, 1624 RP, 1626, 1628, 1629 and 1631 to 1637 in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South
(RNTPC Paper No. A/NE-KTS/362)

57. The Secretary reported that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as Mr Fu had current business dealings with Ove Arup & Partners Hong Kong Limited, one of the consultants of the applicant and Ms Lai had current business dealings with Team 73 HK Limited, another consultant of the applicant. The Committee noted that Ms Lai had tendered apologies for not attending the meeting. The Committee noted that Mr Fu was not involved in the application and agreed that he could stay in the meeting.

Presentation and Question Sessions

58. Ms Wendy W.L. Li, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

[Dr W.K. Yau left the meeting temporarily.]

- (b) the renewal of planning approval for temporary godown with ancillary office and staff quarters use under Application No. A/NE-KTS/305 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site, with the nearest one located at about 5m to the south and environmental nuisance was expected. Other Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments were received from a North District Council (NDC) member and Designing Hong Kong Limited (DHKL). The NDC member had indicated no comment on the application and DHKL objected to the application on grounds that the applied use did not comply with the planning intention of the “Recreation” (“REC”) zone; the site should be reserved for future recreational development; and although the applied use was on temporary basis, the use would normally be renewed rendering it more difficult for the site to be developed for other more suitable uses. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although the use under application was not in line with the planning intention of the “REC” zone, it was noted that the site had already been formed and occupied by godown use since 2006 and there was no programme or known intention to use the site for recreational activities. The approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “REC”

zone. The application generally complied with the Town Planning Board Guidelines No. 34B in that there were no adverse planning implications arising from the renewal of the planning approval as the temporary planning approval would not pre-empt the long-term development of the area. Besides, the applicant had complied with all the approval conditions of the latest planning approval under Application No. A/NE-KTS/305. Regarding DEP's concern on potential environmental nuisance, there was no record of pollution complaint against the site in the past three years and approval conditions restricting the operating hours of the development, and prohibiting heavy goods vehicles including container tractors/trailers for transportation of goods to/from the site were recommended. Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department. Regarding the public comment expressing concerns on the planning intention of the "REC" zone and the difficulty in converting the site to other more suitable land uses, the above assessments were relevant.

59. Members had no question on the application;

Deliberation Session

60. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 10.5.2014 until 9.5.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed for transportation of goods to/from the site at any time during the planning approval period;

- (c) the existing drainage facilities should be properly maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (d) the submission of a condition record of the existing drainage facilities implemented under Applications Nos. A/NE-KTS/240, 261 and 305 within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 9.8.2014;
- (e) 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 9.11.2014;
- (f) in relation to (e) 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 9.2.2015;
- (g) the submission of water supplies for firefighting and fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 9.11.2014;
- (h) in relation to (g) above, the implementation of water supplies for firefighting and fire service installations proposals 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 9.2.2015;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (k) 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.”

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

- “(a) to note the comments of the District Lands Officer/North, Lands Department that the owner of Lot No. 1623 S.B in D.D.100 has to apply to his office for a Short Term Waiver (STW) for the existing water tank and pump room structures. There is no guarantee that applications for STW and Short Term Tenancy (STT) would necessarily be successful. If the STW and STT are granted, they will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including payment of STW fee and STT rental;
- (b) to note the comments of the Commissioner for Transport that the vehicular access to the site is via a village track connecting with Fan Kam Road and the unnamed village track is not under his department’s management. The land status of the access leading to the site should be checked with the lands authority. The management and maintenance requirements of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access road leading from Fan Kam Road to the site is not currently maintained by his department;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:

- (i) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) should be included;
- (ii) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
- (iii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise, they are unauthorized buildings works (UBWs). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO;
- (iv) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO;
- (v) in connection with (iii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively; and
- (vi) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to note the comments of the Director of Fire Services as follows:
 - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSI) will need to be installed;
 - (ii) in such circumstances, except where building plan is circulated to the Centralized Processing System of BD, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSI for approval. In doing so, the applicant should note that:
 - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
 - (b) the locations of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans; and
 - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of the aforementioned plans. The applicant will need to subsequently provide such FSI according to the approved proposal;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that two trees, T59 and T83, were in poor condition. Replacement of these trees is required. In addition, the objects that are stacked close to the tree planting should be removed;
- (g) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) existing water mains are found within the Site and may be affected,

which may need to be diverted or protected. The applicant shall bear the cost of any necessary diversion/protection works for the water mains affected by the development; and the applicant shall submit all the relevant proposal to his department for consideration and agreement before the works commence. A strip of land of 1.5m in width should be provided for the diversion of the existing water mains; and

- (ii) the site is within the flood pumping gathering ground; and

- (h) to follow the environmental mitigation measures as set out in the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department in order to minimize any possible environmental nuisances.”

Agenda Item 18

Section 16 Application

[Open Meeting]

A/YL-KTN/436 Proposed Houses in “Residential (Group D)” Zone, Lot 816 in D.D.
110, Kam Tin Road, Shek Kong San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/436)

62. The Secretary reported that the applicant requested on 18.3.2014 for deferment of consideration of the application for one month in order to allow sufficient time to address the concerns of the Environmental Protection Department. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/437 Proposed Public Utility Installation (Electricity Package Substation)
and Excavation of Land in "Village Type Development" Zone,
Government Land near Shui Tau Road, Shui Tau Tsuen, Yuen Long
(RNTPC Paper No. A/YL-KTN/437)

Presentation and Question Sessions

64. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed public utility installation (electricity package substation) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment from a Yuen Long District Councillor supporting the application was received. 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. The proposed electricity package substation was an essential facility for provision of electricity supply to the existing village and future developments in the vicinity of Shui Tau Tsuen. It was not in conflict with the planning intention of the “Village Type Development” zone which was for the development of Small House and the small scale of the development was considered not incompatible with the surrounding area in rural character predominated by residential dwellings/village houses. The technical requirement of the Director of Fire Services could be addressed by including an appropriate approval condition.

65. Members had no question on the application.

Deliberation Session

66. 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 21.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a landscaping proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owner should be advised to

submit applications to LandsD for an excavation permit on the Government land and for approval of construction and installation of the package substation under the mechanism of Block Licence that covers site within 12m². There is no guarantee that the excavation permit and the Block Licence will be granted to the applicant. If the excavation permit is granted, the grant will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of administrative fee;

- (b) to note the comments of the Director of Electrical and Mechanical Services that for the design and operation of electricity package substation, CLP Power Hong Kong Limited has to comply with the Electricity Ordinance and the relevant statutory requirements. As the proposed development is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to minimize disturbance to the existing trees on the site during the installations of the proposed development, and carry out compensatory planting if tree felling is necessary;
- (d) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSI) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSI to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should

the applicant wish to apply for exemption from the provision of FSI, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (g) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the land is leased under the Land (Miscellaneous Provisions) Ordinance Cap. 28, before the commencement of the proposed building works, formal submission under the Buildings Ordinance is required. If the subject site does not abut on a specified street having a width of not less than 4.5m wide, in such respect, the development intensity shall be determined under the Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access shall be provided under B(P)R 41D.”

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/625 Proposed Excavation and Filling of Land (Slope Upgrading Works for Enhancing the Stability of Slopes to the Existing Pylons, Foundation Strengthening Works and Reinstatement of Slope Surfaces) in “Conservation Area” and “Green Belt” Zones, Government land at uphill area near Au Tau, Yuen Long
(RNTPC Paper No. A/YL-KTS/625)

Presentation and Question Sessions

68. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;
- (b) the proposed excavation and filling of land (slope upgrading works for enhancing the stability of slopes to the existing pylons, foundation strengthening works and reinstatement of slope surfaces);

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, a public comment was received from Designing Hong Kong Limited expressing concerns on the application as the site fell within the “Conservation Area” and “Green Belt” zones and that there was limited information provided in the submission regarding the works, potential impacts and mitigation measures. 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. Although the site fell within the “Conservation Area” and “Green Belt” zones where there was a general presumption against development, the proposed works were essential projects with overriding public interest and hence warranted a special consideration. The proposed development would involve limited land excavation and subsequent reinstatement works by filling of land, hydroseeding and shrub planting to its original condition. It would not involve felling of trees and was located in a generally remote area far away from any residential development or sensitive uses. The proposed works would unlikely cause adverse environmental, ecological or landscape impacts on the surrounding areas. To address the Water Supplies Department’s concerns on the existing tunnel reserves, an approval condition requiring the submission of an assessment report on the proposed works prior to the commencement of works was recommended. Besides, the approval conditions on implementation of landscape proposals and ecological mitigation measures were also recommended to address the concerns of landscape and ecological impacts. Regarding the public comment expressing concerns on potential impacts and safety, concerned Government departments had no objection to or no adverse comments on the application.

69. Members had no question on the application.

Deliberation Session

70. 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 21.3.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission of an assessment report on the proposed excavation and filling of land works to address the impacts on the tunnel reserve area, and implementation of the mitigation measures identified in the assessment report, prior to commencement of the proposed works to the satisfaction of the Director of Water Supplies or of the TPB;
- (b) the implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the implementation of ecological mitigation measures to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and
- (d) if planning condition (a) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that as part of the proposed works falls within the vicinity of permitted burial ground No. YL-32, the applicant should seek comment from District Officer (Yuen Long) and the Village Representative of the affected village(s) on the proposed works. Besides, the applicant is

advised to apply for any necessary permission (e.g. Excavation Permit) for the proposed works from him. No works should be commenced without prior approval;

- (b) to note the comments of the Director of Environmental Protection that the applicant should implement the “Recommended Pollution Control Clauses for Construction Contracts” which is available from his department’s website to minimize the short-term impact at the construction stage;

- (c) to note the comments of the Director of Electrical and Mechanical Services that a minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the overhead lines (OHL) conductors must be maintained; and a minimum safety clearance of 5.5.m from the OHL conductors in all directions shall also be maintained. The contractors should agree with the applicant on the safety precautions required for carrying out any works in the vicinity of the 400kV OHL. Besides, in any time during and after the construction, the applicant shall be allowed to get access to the 50m working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work as necessary. Where aircraft, including helicopters, are to be used in the vicinity of OHL, advice must be sought from the Director of Civil Aviation. In addition, the “Code of Practice on Working near Electricity Supply Lines” published under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. In terms of the electric and magnetic fields arising from the 400kV OHL, the applicant and his contractors should be warned of possible undue interference to some electronic equipment in the vicinity.”

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/633 Renewal of Planning Approval for Temporary Animal Boarding
Establishment under Application No. A/YL-KTS/532 for a Period of 3
Years in “Agriculture” Zone, Lot 1652 in D.D. 106, Kam Sheung
Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/633)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary animal boarding establishment under Application No. A/YL-KTS/532 for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within the “Agriculture” zone and it had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) also did not support the application as there were sensitive receivers within 100m of the site. The proposed development would cause noise and odour nuisances;
- (d) during the first three weeks of the statutory publication period, a public comment was received from a Yuen Long District Councillor expressing concerns on the adverse environmental impacts of the proposed development, including noise and sewage problems; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. Although DAFC did not support the application, the applied use was only on a temporary basis and the site could be rehabilitated for cultivation and other agricultural purposes in the longer term. Regarding DEP's concerns on adverse environmental impacts, it was noted that no local objection had been received during the statutory publication period and no environmental complaint against the site was received by DEP in the past three years. To address the concerns of the public comment, an approval condition requiring the maintenance of sound-insulating materials and double-glazing windows at the animal boarding rooms was recommended to abate the possible noise arising from dog-barking within the site. Any non-compliance with the approval condition would result in revocation of the planning permission and unauthorized development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to position the exhaust outlets of the air ventilation system of the development away from the nearby residential dwellings as far as possible, and to adopt the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department, and to observe the requirements under the Water Pollution Control Ordinance in order to alleviate any potential impact.

73. Members had no question on the application.

Deliberation Session

74. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 16.4.2014 to 15.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the sound-insulating materials and double-glazing windows at the animal

boarding rooms should be maintained at all times during the planning approval period;

- (b) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (c) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the submission of the record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2014;
- (e) 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 15.10.2014;
- (f) in relation to (e) 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 15.1.2015;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) 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.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the site is an Old Schedule Agricultural Lot held under Block Government Lease which no structure is allowed to be erected without prior approval from his office. Lot No, 1652 in D.D. 106 is covered by Short Term Waiver (STW) No. 3801 to allow the use of land for the purpose of Temporary Animal Boarding Establishment with permitted built-over area not exceeding 431.80m² and building not exceeding 3.1m in height. The site is accessible from Kam Sheung Road via Government Land and private land through an informal village road on Government land and private land. His office does not provide maintenance works on this access nor guarantee right of way. The lot owner needs to apply to his office to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such approval is given, it will be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (b) to apply for an Animal Trader Licence and a Boarding Establishment Licence from the Director of Agriculture, Fisheries and Conservation and observe the relevant provisions when operating the development;
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (d) to position the exhaust outlets of the proposed air ventilation system of the development away from the nearby residential dwellings as far as possible;
- (e) to note the comments of the Director of Environmental Protection that the

requirements under the Water Pollution Control Ordinance (WPCO) (Cap. 358) should be observed, and that a proper discharge license shall be applied under the WPCO for all the wastewater from the site;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to note the comments of the Director of Food and Environmental Hygiene that the applicant should ensure that the operation of the development must not cause any environmental nuisance to the surroundings;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSI) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSI to his Department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his department, he is required to provide justifications to his department for considerations. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent

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

Agenda Item 22

Section 16 Application

[Open Meeting]

A/YL-NSW/225 Proposed Pond Filling for Permitted Houses (New Territories Exempted House - Small House) in “Village Type Development” Zone, Lots 592 S.B ss.2 S.A to 592 S.B ss.2 S.AD and 592 S.B ss.2 RP(Part) in D.D. 115, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/225A)

76. The Secretary reported that the application had been deferred once for two months. Since the last deferment on 3.1.2014, the applicant had appointed an ecologist to prepare an Ecological Impact Assessment (EcoIA) to address the comments of the Agriculture, Fisheries and Conservation Department (AFCD). The applicant requested on 5.3.2014 for further deferment of the consideration of the application for two months in order to allow time for the applicant to prepare the EcoIA report to address the comments of AFCD.

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

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/227 Renewal of Planning Approval for Temporary Private Swimming Pool and Garden Use for a Period of 3 Years in “Village Type Development” Zone, Lots 3730 S.E (Part), 3733 (Part), 3734 S.A (Part), 3734 S.B ss.1, 3734 S.B RP (Part), 3734 RP (Part) and 3535 RP (Part) in D.D. 104, Pok Wai, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/227)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary private swimming pool and garden use for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment was received from the village representative of Pok Wai supporting the application. 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 12 of the Paper. Although the private swimming pool and garden were not in line with the planning intention of the “Village Type Development” (“V”) zone, there was no imminent Small House development on the site. Given the temporary nature of the development, the long-term planning intention of the “V” zone would not be jeopardised. The application for renewal of the planning permission was in line with the Town Planning Board Guideline No. 34B in that the 3-year approval period sought was not unreasonable; there was no adverse planning implication arising from the renewal of the planning approval; and the applicant had satisfactorily complied with all the approval conditions of the previously approved application No. A/YL-NSW/206.

79. Members had no question on the application.

Deliberation Session

80. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years, and be renewed from 16.4.2014 until 15.4.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the swimming pool should not be open to members of the public;

- (b) the landscape planting within the site should be maintained at all times during the approval period;
- (c) the drainage facilities implemented for the development on the site should be maintained properly at all times during the planning approval period;
- (d) the submission of condition records of the existing drainage facilities on site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.7.2014;
- (e) 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 15.10.2014;
- (f) in relation to (e) above, the implementation of 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 of the TPB by 15.1.2015;
- (g) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (h) if any of the above planning conditions (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (i) 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.”

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

“(a) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that the size of the specified structure as plant room (3.15m²) on Lot 3734 S.B ss.1 has slightly exceeded the permitted coverage under the Short Term Waiver (STW) No. 3399. The lot owner will still need to apply to his office for modification of the said STW to regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (b) to note the comments of the Director of Environmental Protection to apply for a discharge licence under the Water Pollution Control Ordinance;
- (c) to note the comments of the Director of Food and Environmental Hygiene that no person shall take any part in the management of a swimming pool and the establishment or maintenance of which has not been licensed except swimming pool which serves not more than 20 residential units;
- (d) to note the comments of the Director of Fire Services that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of the proposed fire service installations (FSI) to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Chief Engineer/Development (2) of Water Supplies Department that fresh water from Government mains shall not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the water mains for such purposes may be given on

concessionary supply basis if an alternative supply is impracticable and evidence to that effect is offered to and accepted by the Water Authority. Such permission will be withdrawn if in the opinion of the Water Authority the supply situation requires it.”

[The Chairman thanked Ms Wendy W.L. Li, Mr C.K. Tsang and Mr Ernest C.M. Fung, STPs/FSYLE, for their attendance to answer Members’ enquires. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

Agenda Item 24

Section 12A Application

Y/YL/7 Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21, to rezone the application site from “Other Specified Uses” annotated “Business” to “Residential (Group E)1”, 21-35 Wang Yip Street East, Yuen Long, New Territories (Yuen Long Town Lot 362)
(RNTPC Paper No. Y/YL/7B)

82. The Secretary reported that Mr Ivan S.C. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited, one of the consultants of the applicant. The Committee noted that the Planning Department (PlanD) had requested for deferment of consideration of the application and that Mr Fu’s interest was indirect. Members agreed that he could stay in the meeting.

83. The Secretary reported that the application had been deferred twice for four months. The applicant on 24.1.2014 submitted further information providing justifications with updated sewage flow, plans and revised traffic impact assessment, environmental assessment and traffic noise impact assessment. The site fell within the Tung Tau Industrial Area (TTIA), Yuen Long. TTIA was one of the industrial areas covered by the Area

Assessments of Industrial Land in the Territory completed in 2009. According to the Area Assessments, the site would be retained as “Other Specified Uses” annotated “Business” (“OU(B)”) zone. Another round of Area Assessments was being conducted by PlanD. Consideration of the application at this stage was premature as it would prejudice the recommendation of the Area Assessments and might jeopardize the overall land use planning for the area. In view of the advance stage of the Area Assessments, PlanD requested that a decision on the application be deferred until the completion of the Area Assessments which was expected to be in late 2014.

84. After deliberation, the Committee decided to defer a decision on the application as requested by PlanD. The Committee agreed that the application should be submitted for its consideration after the completion of the Area Assessments which was expected to be in late 2014.

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

[Mr H.M. Wong left the meeting temporarily.]

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/447 Shop and Services (Real Estate Agency and Retail Shop) in
 “Industrial” Zone, Unit E, G/F., Wai Cheung Industrial Centre, 5 Shek
 Pai Tau Road, Tuen Mun
 (RNTPC Paper No. A/TM/447)

85. The Secretary reported that a replacement page 9 of the Paper had been sent to Members and was tabled at the meeting.

Presentation and Question Sessions

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

(a) background to the application;

[Mr H.M. Wong returned to join the meeting at this point.]

(b) the shop and services (real estate agency and retail shop) under application;

(c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;

(d) during the first three weeks of the statutory publication period, a public comment supporting the application was received; 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. If the application was approved, the aggregate commercial floor area at the ground floor of the subject industrial building including the subject shop would be 318.46m², which was within the maximum permissible limit of 460m² for an industrial building with sprinkler system. The use under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines (TPB-PG) No. 25D including the fire safety and traffic aspects. If the application was to be approved, a temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area;

[Ms Anita K.F. Lam left the meeting temporarily.]

87. In response to a Member's question, Mr K.C. Kan said that according to TPB-PG No. 25D, uses which were ancillary to or for the purposes of supporting the industrial

activities on the ground floor of the subject industrial building, including bank, fast food counter, electrical shop, local provisions store, were exempted from calculation of the 460m² commercial floor area limit.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- “(a) no training centre use is allowed in the premises;
- (b) the submission of fire service installations and equipment in the premises within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2014;
- (c) in relation to (b) above, the implementation of fire service installations and equipment in the premises within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2014;
- (d) if the above approval condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) shorter compliance periods are granted to monitor the fulfilment of approval conditions. Should the applicant fail to comply with the approval conditions resulting in the revocation of the planning permission, sympathetic

consideration would not be given by the Committee to any further application;

- (b) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long-term planning intention of industrial use for the premises will not be jeopardized;
- (c) to note the comments of the District Lands Officer/Tuen Mun that the applied use of the premises is considered acceptable under the temporary waiver permitting temporary shop and services (real estate agency and retail shop only) for a term of 3 years from 6.12.2010 and thereafter quarterly. The temporary waiver does not cover for the use related to workers' club for training centre;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any building works are to be carried out on the premises, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For UBW erected on lease land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the premises under the BO. If the proposed use under application is subject to the issue of a licence, it should be reminded that the area intends to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; and
- (e) to note the comments of the Director of Fire Services that a means of escape completely separated from the industrial portion are available for

the subject unit. Detailed fire safety requirements will be formulated upon receipt of formal general building plans submission. Regarding matters related to fire resisting construction of the premises, the applicant is reminded to comply with the “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and to draw attention to the “Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises”.”

[Ms Anita K.F. Lam returned to join the meeting at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/658 Temporary Vehicle Repair Workshop and Open Storage of Scrap Metal, Construction Machinery and Building/Recycling Materials with Ancillary Packaging Activities for a Period of 3 Years in “Undetermined” Zone, Lots 1447 S.A& S.B (Part), 1448 (Part), 1454 (Part), 1455 to 1457, 1458 (Part), 1459 (Part), 1460 to 1462, 1463 S.A, 1463 S.B RP, 1463 S.B ss.1, 1464 to 1466, 1468, 1471 (Part), 1472 S.B, 1477 RP, 1478 (Part), 1479 (Part) and 1480 in D.D. 119, and Lots 1682 (Part), 1683 (Part) and 1684 (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/658A)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary vehicle repair workshop and open storage of scrap metal, construction machinery and building/recycling materials with ancillary

packaging activities for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings within 100m of the site and environmental nuisances were expected. Besides, a total of six substantiated environmental complaints relating to air, noise and water aspects pertaining to the site were received in the past three years;
- (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 12 of the Paper. The application was generally in line with Town Planning Board Guidelines No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant Government departments were technical in nature which could be addressed through the implementation of approval conditions. Although DEP did not support the application as there were sensitive receivers of residential uses within 100m of the site as well as six substantiated complaints in 2011 and 2013, DEP advised that the problems related to the complaints against the site in 2011 were subsequently rectified by the applicant and the complaint received in 2013 was not related to the site. To address DEP's concerns on the possible nuisances generated by the temporary use, approval conditions restricting the operation hours, prohibiting container and container trailer repairing activities and handling of electronic waste on-site, and restricting paint-spraying activities to be carried out only within Structures No. 2 and 6 on the site, as proposed by the applicant, were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on-site would be

subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize any potential environmental impact and to keep the site clean and tidy at all times.

91. Members had no question on the application.

Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.3.2017, 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. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no container and container trailer repairing activities, as proposed by the applicant, are allowed at the site at any time during the planning approval period;
- (e) no paint-spraying, except within Structures No. 2 and 6, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;

- (f) free public access to the existing footpath within the site should be allowed at all times during the planning approval period;
- (g) no queuing and reverse movements of vehicles are allowed on public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2014;
- (j) the submission of run-in/out proposal at access point at Kung Um Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 21.9.2014;
- (k) in relation to (j) above, the provision of run-in/out at access point at Kung Um Road within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 21.12.2014;
- (l) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2014;
- (m) in relation to (l) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.12.2014;
- (n) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.5.2014;
- (o) 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 21.9.2014;

- (p) in relation to (o) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2014;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o) or (p) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no

structures are allowed to be erected without prior approval from his office. No approval has been given for the specified structures for the ancillary office, structure, shelter and loading and unloading bay. Modification of Tenancy (MOT) No. M19095 was issued for erection of structures on Lot No. 1455 in D.D. 121 for agricultural purposes. Change of use of the lots will cause a breach of the terms of the MOT concerned. No permission has been given for the occupation of the Government land (GL) within the site. The lot owner(s) concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible from Kung Um Road via a piece of GL. His office does not provide maintenance works for such track nor guarantees right-of-way. Access to the site may be affected by the Government Land Allocation-TYL 1278 granted to the Drainage Services Department (DSD) for the Yuen Long and Kam Tin Sewerage Stage 2B-2T;

- (e) to note the comments of the Commissioner of Transport that sufficient space should be provided within the site for manoeuvring of vehicles;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run in/out at the access point at Kung Um Road should be constructed in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. Besides, his department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that two previously planted trees (*Bauhinia variegata*) are found topped. The topped trees should be replaced with healthy trees of well balanced form with straight and upright leader and branches. Vines covering the crowns of seven trees at the southwestern and eastern perimeters of the site should be removed. All the stored materials at the base of tree trunk should be removed and kept at least 1m away from the tree trunk in order to avoid affecting the tree growth;
- (h) to adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains will be affected. The developer shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve with 1.5 metres measuring from the centreline of the affected water mains shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage or car-parking purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSI) are anticipated to be required. The applicant is advised to submit relevant

layout plans incorporated with the proposed FSI to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSI as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including shelters as temporary buildings) are to be carried out on the site, prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the

building plan submission stage; and

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

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/669 Renewal of Planning Approval for Temporary “Eating Place (Outside Seating Accommodation of a Licensed Restaurant)” for a Period of 1 Year in “Residential (Group A)” Zone, Government Land in front of Shops No. 4-5, G/F, Blocks 1-9, Treasure Court, 8 Ying Fuk Street, Hung Shui Kiu, Yuen Long
(RNTPC Paper No. A/YL-TYST/669)

Presentation and Question Sessions

94. Ms Bonita K.K. Ho, STP/TMYLW, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary “eating place (outside seating accommodation of a licensed restaurant)” for a period of one year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 12 public comments were received from residents of nearby residential developments and Hung Shui Kiu as well as the Incorporated Owners of Treasure Court objecting to the application. The objections were mainly on grounds that the subject Outside Seating Accommodation (OSA) would have adverse impacts on pedestrian safety, environmental hygiene, noise nuisance, public security, potential health concerns, occupation of Government land, illegal parking and late-night operation. A local objection, which was the same as one of the public comments, 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 12 of the Paper. Given the small-scale operation, OSA was unlikely to cause significant adverse traffic, drainage and environmental impacts on the surrounding areas. Government departments consulted had no adverse comments on the application. Besides, there had been no environmental complaint related to the site received by the Environmental Protection Department since 2012 and according to the Food and Environmental Hygiene Department, 39 complaints against OSA in the area were received in the past 12 months but none of the complaints were directly related to the subject OSA. Regarding the concerns raised by the public comments, the applicant assured that he had made effort to maintain clear width of the pavement of

not less than 3.5m and to undertake measures to mitigate the potential environmental hygiene concerns. To address the public comments on the environmental nuisances, approval condition restricting the operation hours was recommended.

95. Members had no question on the application.

Deliberation Session

96. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 1 year from 12.5.2014 to 11.5.2015, 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 10:30 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period; and
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department that the site is covered by a Land Licence YLOSA No. 37 issued by his office on 8.7.2013 for the purpose of outdoor restaurant seating accommodation for a period of one year certain commencing on 12.5.2013 and thereafter from year to year subject to the terms and conditions as provided therein. The Licensed Restaurant operator holding Land Licence YLOSA No. 37 shall only permit temporary placing of tables, chairs, umbrellas and sunshades within its licence boundary of 17.3m² (about). The Licensed Restaurant operator shall not permit to extend any part of his food premises outside the said Land Licence boundary;

- (b) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant shall at his own cost and to the satisfaction of the Highways Department make good of any damage to the public carriageway, footpaths and other street furniture arising from his works;
- (c) the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed. The applicant needs to comply with various pollution control ordinances, for example, the Air Pollution Control Ordinance, Noise Control Ordinance and Water Pollution Ordinance to address different environmental concerns;
- (d) to note the comments of the Director of Food and Environmental Hygiene that for operation of food business, a valid food licence by his department should be available and any requirements/conditions stipulated by the relevant departments should be complied with. No sanitary nuisance should be created to the surrounding during the operation of the food business; and
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and the existing drainage facilities.”

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/664 Proposed Excavation and Filling of Land (Slope Upgrading Works for Enhancing the Stability of Slopes adjacent to the Existing Electricity Pylons, Foundation Strengthening Works and Reinstatement of Slope Surfaces) in “Conservation Area” Zone, Government Land at uphill areas to the southeast of Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/664)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed excavation and filling of land (slope upgrading works for enhancing the stability of slopes adjacent to the existing electricity pylons, foundation strengthening works and reinstatement of slope surfaces);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication periods, two public comments were received. Designing Hong Kong Limited raised an objection to the application on grounds that there was no environmental impact assessment provided and that the proposed works was not in line with the planning intention of the “Conservation Area” zone. Another public comment was received from a Tuen Mun District Council member supporting the application; 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. Although the planning intention of the “Conservation Area” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area and there was a general presumption against development in this zone, only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted. The proposed works, which involved slope upgrading/stabilization works to ensure the safety of the pylons and the proposed foundation strengthening works to sustain the super typhoon loading of the pylons for maintaining steady supply of electricity, were an essential infrastructure project with overriding public interest and hence warranted special consideration. To address the concerns of the Director of Agriculture, Fisheries and Conservation on the implementation of the ecological mitigation measures recommended in the Ecological Appraisal Reports and the concerns of the Chief Town Planner/Urban Design & Landscape, Planning Department to protect the existing vegetation, in particular the *Camellia oleifera* trees, relevant approval conditions were recommended. The applicant would also be advised to implement the “Recommended Pollution Control Clauses for Construction Contracts” as recommended by the Director of Environmental Protection.

99. Members had no question on the application.

Deliberation Session

100. 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 21.3.2018, 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 identified in the

accepted Ecological Appraisal Reports to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and

- (b) the submission and implementation of vegetation preservation (in particular *Camellia oleifera*) and landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant should apply to his office for the “Permission Letter” to enter onto Government land for carrying out the proposed works in accordance with the procedures as stipulated in Flowcharts 2, 3 and 4 of the interim measures. The subsequent slope maintenance responsibility of the respective works area will 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 have been given with the prescribed fee settled. Pylon Nos. 4BPB38 and 4BPB39 are covered by the Licence Agreement for Black Point 400KV Transmission Networks issued by the Chief Estate Surveyor/Estate Management, LandsD. The applicant should comply with the terms and conditions of the Licence Agreement in carrying out the proposed works. As the proposed works falls within the Fung Shui area, the applicant is required to comply with the comment of the District Officer/Yuen Long (DO(YL)) as well as the Village Representatives of the concerned village(s) prior to the commencement of works. The proposed ground investigation works is in the vicinity of a Government Land Licence No. PNT 3150 which was issued to the villager 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)”. Short Term Tenancy (STT) Nos. 1293 and 2285 are in the vicinity of the proposed works. The applicant is therefore required to seek the comment of the relevant parties prior to the commencement of works. As regards the

proposed works for the CLPP Pylon No. 4BPB39, the proposed work site encroaches on the slope Feature Nos. 6NW-C/C262 & 6NW-C/C263 and the Fung Shui Area 159/YGS/60II, prior written consents from the maintenance party of the slopes (Chief Geotechnical Engineer/Slope Management, LandsD) and DO(YL) should be sought before commencement of the works;

- (b) to note the comments of the Director of Environmental Protection that the “Recommended Pollution Control Clauses for Construction Contracts”, which is available from the Environmental Protection Department’s website, should be implemented to minimize the short-term impacts during construction;
- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that a landscape plan indicating the locations or areas of landscape reinstatement works and rare species in relation to the proposed slope upgrading works should be provided. Details of the protective measures for the rare species should also be submitted;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that due to the relatively high level and remoteness of the site, the applicant may need to make use of his/her private sump and pump system to effect adequate water supply to the development. The applicant shall be responsible for the construction, operation and maintenance to WSD standards of any private water supply system for water supply to the development. Water mains in the vicinity of the site cannot provide the standard pedestal hydrant; and
- (e) to note the comments of the Director of Electrical and Mechanical Services that a minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the overhead lines (OHL) conductors must be maintained; and a minimum safety clearance of 5.5m from the OHL conductors in all directions shall also be maintained. The contractors

should agree with CLP Power Hong Kong Limited (CLPP) on the safety precautions required for carrying out any works in the vicinity of the 400kV OHL. In any time during and after construction, CLPP shall be allowed to get access to the 50 meters working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work as necessary. Where aircraft, including helicopters, are to be used in the vicinity of OHL, advice must be sought from the Director of Civil Aviation and CLPP. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. As regards the electric and magnetic fields arising from the 400kV OHL, the applicant and his contractors should be warned of possible undue interference to some electronic equipment in the vicinity.”

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/274 Proposed Excavation and Filling of Land (Slope Upgrading Works for Enhancing the Stability of Slopes adjacent to the Existing Electricity Pylons, Foundation Strengthening Works and Reinstatement of Slope Surfaces) 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-LTYYY/274)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed excavation and filling of land (slope upgrading works for enhancing the stability of slopes adjacent to the existing electricity pylons, foundation strengthening works and reinstatement of slope surfaces);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period; and
- (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. Although the planning intention of the “Conservation Area” zone was to protect and retain the existing natural landscape, ecological or topographical features of the area and there was a general presumption against development in this zone, only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted. The existing pylons were an essential part of electricity supply infrastructure. The proposed slope upgrading /stabilization works were to ensure the safety of the pylons and the proposed foundation strengthening works were to sustain the super typhoon loading of the pylons for maintaining steady supply of electricity. Hence, the application was for an essential infrastructure project with overriding public interest and warranted special consideration. Concerned Government departments had no objection to or no adverse comments on the application. To address the concerns of the Director of Agriculture, Fisheries and Conservation on the implementation of the ecological mitigation measures recommended in the Ecological Appraisal Reports and the concerns of the Chief Town Planner/Urban Design & Landscape, Planning Department to protect the existing vegetation, in particular the *Camellia oleifera* trees, relevant approval conditions were recommended.

103. Members had no question on the application.

Deliberation Session

104. 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 21.3.2018, 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 identified in the accepted Ecological Appraisal Reports to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and
- (a) the submission and implementation of vegetation preservation (in particular *Camellia oleifera*) and landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tuen Mun (DLO/TM), LandsD that it is noted that the northern portion of the site for pylon No. 4BPB38 and the eastern portion of the site for pylon No. 4BPB39 respectively fall within Yuen Long district as well. The applicant will need to apply to the District Lands Officer/Yuen Long, LandsD (DLO/YL, LandsD) for permission to enter into Government land for carrying out the proposed slope upgrading works within Yuen Long district. There is no guarantee that the application, if received by DLO/YL, LandsD, will be approved. Applications from the applicant for permission to enter onto Government land for carrying out the proposed slope upgrading works within Tuen Mun district have been received by his Office. There is no guarantee that the said applications will be approved and DLO/TM, LandsD reserves his comment on such. The applications will be considered by his

Department acting in the capacity as the landlord at its sole discretion. The application would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of administrative fees and prescribed fees for issuing excavation permits;

- (b) to note the comments of the Director of Environmental Protection that given that public sewer is not available for the subject areas, any discharge of wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed works sites are located in natural terrains. The applicant is advised to exercise proper control in disposal of excavated materials during construction so as to avoid dropping/washing excavated materials onto existing natural watercourses in the areas;
- (d) to note the comments of the Chief Geotechnical Engineer/Slope Maintenance, Lands Department that based on the information provided, he noted that the slope features No. 6NW-C/C262 and 6NW-C/C263 will affect/be affected by the subject project. He also noted that new geotechnical features might be formed under the project. He presumes that the project proponent would be responsible for the future maintenance of the geotechnical features affected/formed by the project. For feature No. 6NW-C/C263, it is noted that the project proponent agreed to be responsible for the future maintenance of the portion of this feature affected. He also notes that feature No. 6SW-C/C262 is located below the soil nailing zone, the proposed soil nailing works have been accepted by the Chief Geotechnical Engineer/Mainland West, Civil Engineering and Development Department and no temporary and/or permanent works at proposed feature No. 6NW-C/C262. According to the proposed soil nail plan provided by the project proponent, he recommended that the area affected/related to the project should be maintained by the project proponent in the future after the completion of the proposed slope upgrading works;

- (e) to note the comments of the Director of Electrical and Mechanical Services that based on the information provided, there are 400kV overhead lines (OHL) running above the site. The conditions pertaining to electricity supply safety and reliability should be strictly complied with by the applicant and the applicant's contractors. A minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the OHL conductors must be maintained; and a minimum safety clearance of 5.5m from the OHL conductors in all directions shall also be maintained. The contractors should agree with CLP Power Hong Kong Limited (CLPP) on the safety precautions required for carrying out any works in the vicinity of the 400kV overhead lines. In any time during and after construction, CLPP shall be allowed to get access to the 50 meters working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work as necessary. Where aircraft, including helicopters, are to be used in the vicinity of OHL, advice must be sought from the Director of Civil Aviation and CLPP. The 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant and the applicant's contractors should be warned of possible undue interference to some electronic equipment in the vicinity; and
- (f) to note the comments of the District Officer (Tuen Mun), Home Affairs Department that he is not in a position to comment on any fung shui issue. Burial ground No. BURGD6 will be affected. The applicant is advised to minimise the impacts of the proposed works on burial ground No. BURGD6 as far as possible."

Agenda Item 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/452 Proposed Columbarium and Residential Institution Uses in the Redevelopment of Gig Lok Monastery in “Government, Institution or Community” Zone, Lot 2011 (Part) in D.D. 132 and Adjoining Government Land, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun (RNTPC Paper No. A/TM/452)

106. The Secretary reported that the application was submitted by Gig Lok Monastery Limited with Vision Planning Consultants Limited, Robert Wee Architects Limited, LLA Consultancy Limited, Environ Hong Kong, BMT Asia Pacific Limited and Landes Limited as consultants. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with Environ Hong Kong Limited and Landes Limited
- Ms Janice W.M. Lai - having current business dealings with Environ Hong Kong Limited and Landes Limited
- Dr C.P. Lau - owns a residential property in proximity to the site

107. The Committee noted that the applicant had requested for deferment of consideration of the application. The Committee noted that Mr Ivan C.S. Fu had no involvement in this application and the property of Dr C.P. Lau did not have a direct view on the application site and agreed that they could stay in the meeting.

108. The Secretary reported that the applicant requested on 5.3.2014 for deferment of consideration of the application for two months in order to allow sufficient time to address the comments of the Commissioner for Transport and Commissioner of Police. This was the first time that the applicant requested for deferment.

109. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/439 Renewal of Planning Approval under Application No. A/YL-PS/344 for Temporary "Container Vehicle and Lorry Park" for a Period of 3 Years in "Comprehensive Development Area" Zone, Lots No. 120(part), 121, 122, 246RP(part), 247, 248S.A, 248S.B, 248RP(part), 249RP, 250RP and 254RP in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/439)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/YL-PS/344 for temporary "container vehicle and lorry park" for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as environmental nuisance on the nearby residential dwellings was expected from heavy vehicles to/from the

site;

- (d) during the first three weeks of the statutory publication period, a public comment was received from Designing Hong Kong Limited objecting the application mainly on the grounds that the development did not comply with the planning intention and would affect the land supply for residential development as well as the approval of the application would set undesirable precedent for similar applications. 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 12 of the Paper. Regarding DEP's concern on environmental nuisance, it was noted that no environmental complaint on the site had been recorded from 2011 to 2013. Planning permissions for parking of container vehicles/trailers and lorries at the site had been granted by the Committee since 1998. To address DEP's concern, approval conditions on operation hours and prohibition of workshop activities including no vehicle washing, vehicle repairing, dismantling and paint spraying were recommended. Regarding the public concern on non-compliance with the planning intention, the temporary permission would not jeopardize the long-term planning intention and there was currently no development proposal covering the site.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.3.2014 until 28.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no vehicle washing, vehicle repairing, dismantling, paint spraying and workshop activity is allowed on the site at any time during the planning approval period;
- (c) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on site at any time during the planning approval period;
- (d) only goods vehicles and container vehicles (including container tractors and trailers) as defined in the Road Traffic Ordinance and its subsidiary regulations are allowed to be parked on the site at all times during the planning approval period;
- (e) no inflammable goods, fuel, or vehicle for conveying dangerous goods which is subject to the provisions of the Dangerous Goods Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (f) no vehicle queuing back to public road or vehicle reversing onto/from public road is allowed at any time during the planning approval period;
- (g) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (h) the submission of record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the Town Planning Board by 28.6.2014;
- (i) the submission of 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 28.9.2014;

- (j) in relation to (i) above, the implementation of 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 28.12.2014;
- (k) 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 28.9.2014;
- (l) in relation to (k) above, the implementation of 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 28.12.2014;
- (m) the provision of boundary fencing 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 28.9.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the Town Planning Board.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;

- (b) the planning permission is given to the development/use and structures under application. It does not condone any development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and to remove such structures not covered by the permission;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department(LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the three specified structures for ancillary offices use. A portion of the site falls within the West Rail Protection Boundary. The site is accessible through an informal village track on Government land (GL) and other private land extended from Ha Mei San Tsuen Road. His office does not provide maintenance works for such track nor guarantee right-of-way. Part of the village track falls within West Rail Protection Boundary/West Rail Maintenance Area. The lot owner concerned still needs to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (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 the potential environmental impact on the surrounding area;

- (e) to note the comments of the Commissioner for Transport that sufficient

manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from public road. The local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ha Mei San Tsuen Road;

- (g) to note the comments of the Chief Highway Engineer/Railway Development 1-3, Railway Development Office, Highways Department that the site falls within the boundary of West Rail Protection Zone and is abutting on the West Rail's Emergency Access Point 21 (the EAP) at Long Tin Road, hence, the applicant should ensure that the site will not encroach upon the EAP premises. The applicant should also consult the Mass Transit Railway Corporation Limited on the necessary requirements and safety practice with respect to the operation and maintenance of the West Rail Line;

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for use related to the application. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the planning application. Before any new building works (including ancillary site offices as temporary buildings) are to be carried out on the site, the prior approval and consent

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

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

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/886 Temporary Public Vehicle Park (Excluding Container Vehicle) for a
Period of 3 Years in “Residential (Group D)” Zone, Lot 1202 in D.D.
124, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/886)

114. The Secretary reported that replacement pages 10 and 11 of the Paper had been sent to Members and were tabled at the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park (excluding container vehicle) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application as the proposed public vehicle park was incompatible with the surrounding landscape character which was dominated by low-rise residential development, village houses, farmland and tree clusters;
- (d) during the first three weeks of the statutory publication period, four public comments were received from residents of Fu Lam Garden objecting to the application. The main grounds of the objections were that the heavy vehicles would affect the safety of other road users, the existing access road could not cope with the additional traffic generated by the heavy vehicles,

and the existing drainage system and the local track were not designed to accommodate the traffic from heavy vehicles. 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. As there was yet any programme/known intention to implement the zoned use on the Outline Zoning Plan, it was considered that approval of the application on a temporary basis would not frustrate the planning intention of the “Residential (Group D)” zone. To address CTP/UD&L, PlanD's concern on potential landscape impact, approval conditions on submission and implementation of tree preservation and landscape proposals were recommended. Regarding the public comments expressing concerns on traffic impact, it was noted that the Commissioner for Transport had no adverse comment on the application. Approval conditions on restrictions on operation hours, restriction of type of vehicles parked to private cars and vans only, and requirement for notice posting indicating the type of vehicle parked were recommended to address the public concerns.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.3.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site during the approval period;
- (b) no vehicle without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on site at any time during the planning approval period;

- (c) no light goods vehicle (except van), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site at all times to indicate that no light goods vehicle (except van), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked on the site during the planning approval period;
- (e) no repairing, dismantling, cleansing of vehicle, selling of vehicle, or workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle queuing is allowed back to the public road and no vehicle reversing into/from the public road is allowed at any time during the planning approval period;
- (g) the implementation of the accepted 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 21.12.2014;
- (h) the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2014;
- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.12.2014;

- (k) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2014;
- (l) in relation to (k), the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2014;
- (m) the provision of fencing of the site within 6 months from the date from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2014;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (i), (j), (k), (l) or (m) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) 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.

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease upon

which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. No permission has been given to the proposed temporary site office specified in the application form. Modification of Tenancy (MOT) No. 21024 was granted on Lot 1202 for domestic and agricultural uses. Change of user to the proposed development will render termination of MOT. The site is accessible to Tin Ha Road via a local road on Government Land (GL). His office provides no maintenance works to GL involved and does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject application is concerned. Should planning approval be given, the lot owner will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee as may be imposed by LandsD;

- (c) 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;
- (d) to note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site. It is noted that the local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any

access connecting the site and Tin Ha Road;

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

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including office as temporary building) are to be varied out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/888 Proposed 2 Houses (New Territories Exempted Houses) in “Green Belt” Zone, Lot 1171 in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/888)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses) (NTEHs);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix III of the Paper. The District Lands Officer/Yuen Long, Lands Department did not support the application as the site fell beyond 300 feet from the nearby villages of Tseng Kong Wai, Sik Kwong Wai, Ha Tsuen Shi and San Uk Tsuen. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed development was located in an area dominated by woodland and was surrounded by open storage uses. The Director of Agriculture, Fisheries and Conservation commented that the proposed development would affect the existing trees which were worthy of preservation;
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and the Kadoorie Farm & Botanic Garden Corporation objecting to the application mainly on grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone; approval of the

application would cause adverse cumulative impacts on the access road and set an undesirable precedent for similar applications; and the proposed development was incompatible with the surrounding environment and did not comply with the Town Planning Board Guidelines (TPB-PG) No. 10; 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. The proposed development was not in line with the planning intention of the “GB” zone which was primarily to promote the conservation of the nature environment and to safeguard it from encroachment by urban-type development. There was a general presumption against development within the “GB” zone; the proposed NTEH development was not compatible with woodland setting of the surrounding environment in the “GB” zone; the proposed development did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized village and was located beyond 300 feet from the nearby villages of Tseng Kong Wai, Sik Kwong Wai, Ha Tsuen Shi and San Uk Tsuen; and the application did not comply with TPB-PG No. 10 in that the applicant failed to demonstrate that the proposed Small Houses would not cause adverse landscape impact on the surroundings. CTP/UD&L, PlanD objected to the application for reasons that the proposed NTEHs were incompatible to the landscape character of the surrounding environment; the existing trees within the site including the protective tree species would be felled due to the proposed NTEHs; the site formation works and the access for the proposed NTEHs would likely extend beyond the site boundary; and the proposed NTEHs would cause significant changes or disturbance to the existing landscape character and resources. Approval of the application might set an undesirable precedent spreading village development to the “GB” zone.

120. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily to promote the conservation of the nature environment and to safeguard it from encroachment by urban-type development. There is a general presumption against development within this zone. There is no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories as the site is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages;
- (c) the application does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “Green Belt” zone under section 16 of the Town Planning Ordinance’ in that the applicant fails to demonstrate that the proposed NTEH developments would not cause adverse landscape impact on the surroundings; and
- (d) approval of the application would set an undesirable precedent for similar applications, eroding the intactness of the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/889 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 1028 S.A (Part) and 1030 S.D (Part) in D.D. 125, Sik Kong Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/889)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned Government departments had no objection to or no adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Although the temporary shop and services under application was not in line with the planning intention of the “Village Type Development” (“V”) zone, the District Lands Officer/Yuen Long, Lands Department advised that no small house application had been received at the site. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the “V” zone. Given the small scale of the proposed

development, no significant adverse environmental, visual, landscape, traffic or drainage impact on the surrounding areas was anticipated. There was no adverse comment from the concerned Government departments.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.3.2017, 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, is allowed on the site during the planning approval period;
- (b) the implementation of the accepted 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 21.9.2014;
- (c) the implemented drainage facilities on the site should be maintained at all times during the planning approval period;
- (d) the implementation of the proposed landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2014;
- (e) 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 21.9.2014;
- (f) in relation to (e) above, the implementation of a 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 21.12.2014;

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

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land under the site comprises Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval of the Government. No approval has been given to a proposed structure as real estate agency and conference room specified in the Application Form. The site is accessible to San Sik Road via Government Land (GL) and other private lots. His office provides no maintenance work to the GL involved and does not guarantee right-of-way. No application for Short Term Waiver (STW) was received as far as the subject planning application is concerned. Should planning approval be given to the subject planning application, the lot owner will need to apply to his office to permit the structures to be erected or regularizes any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application would be approved. If such application is approved, it would be subject to such terms and conditions, including

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

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) that the applicant is reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should consult DLO/YL, LandsD and seek consent from them or from relevant private land owners from any works to be carried out outside the lot boundary before commencement of the drainage works;
- (d) to note the comments of the Commissioner for Transport that the local track leading to the site is not under the Transport Department's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement to the site from San Sik Road should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and San Sik Road;
- (f) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSI) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI are to be installed should be clearly marked on the layout plans. Furthermore, should the

applicant wish to apply for exemption from the provision of FSI, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that before any new building works (including temporary building for use of real estate agency and conference room) are to be varied out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as acceptance of any existing building works or UBW on the site under BO. The site shall be provided with means of obtaining access from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage."

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/890 Proposed House (New Territories Exempted House - Small House) in
"Green Belt" Zone, Lot 1061 RP in D.D. 125, near Sik Kong Wai, Ha
Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/890)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments –departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The District Lands Officer/Yuen Long, Lands Department commented that the application for Small House would not be considered by his office as the subject lot was located outside the village ‘environs’ (‘VE’) of any recognized village and outside the “Village Type Development” (“V”) zone encircling a recognized village. The Chief Town Planner/Urban Design & Landscape, Planning Department had reservation on the application as the site was located inside a “Green Belt” (“GB”) zone where the vegetation had been removed. The “GB” zone was to form a buffer to the adjoining villages. Approval of the application might encourage further extension of the village area into the “GB” zone;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Cooperation. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “GB” zone; approval of the application would cause adverse cumulative impacts and set an undesirable precedent for similar applications; the proposed development did not comply with the Town Planning Board Guidelines No. 10 and the site was recommended to be designated as ‘local open space’ under the Preliminary Outline Development Plan in the Hung Shui Kiu New Development Area Planning and Engineering Study; 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. The proposed development was not in line with the planning intention of the “GB” zone which was primarily to promote the conservation of the nature environment and to safeguard it from encroachment by urban-type development and it did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories as the site was located entirely outside the “V” zone and the ‘VE’ of any recognized villages. The proposed development 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 applicant failed to demonstrate that proposed development would not affect the natural landscape of the area. Approval of the application would set an undesirable precedent to other similar applications within “GB” zone resulting in urban sprawl and degradation of the existing landscape quality.

127. Members had no question on the application.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily to promote the conservation of the nature environment and to safeguard it from encroachment by urban-type development. There is a general presumption against development within this zone. There is no strong justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small

House in New Territories as the site is entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognized villages;

- (c) the application does 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 applicant fails to demonstrate that the proposed development would not affect the natural landscape of the area; and
- (d) approval of the application would set an undesirable precedent for similar application in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/891 Proposed Temporary Logistics Centre for a Period of 3 Years in
“Comprehensive Development Area” Zone, Lots 106 (Part), 116 (Part),
117 (Part), 132 (Part) and 133 (Part) in D.D.125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/891)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary logistics centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection

(DEP) did not support the application as there were sensitive uses in vicinity of the site and along the access road (Ping Ha Road) and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The site fell within an area zoned “Comprehensive Development Area” (“CDA”). However, there was not yet any programme/known intention to implement the zoned use on the OZP. The approval of the application on a temporary basis would not frustrate the planning intention of the “CDA” zone. The applied use for logistics centre was not incompatible with the surrounding uses which was predominantly occupied for open storage yards, warehouses, and logistics uses. The site fell within Category 1 areas under the Town Planning Board Guidelines (TPB-PG) No. 13E where favorable consideration would be normally given to the application. The development was in line with the TPB-PG No. 13E in that there was no adverse comment from concerned Government departments. DEP did not support the application as environmental nuisance was expected. To address DEP's concern, approval conditions on operation hours and prohibition of cutting, dismantling, cleansing, repairing, compaction, vehicle repair and workshop activities were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department.

130. Members had no question on the application.

Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.3.2017, 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. from Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing, compaction, vehicle repair and workshop activity is allowed at any time on the site, as proposed by the applicant, during the planning approval period;
- (d) no vehicle queuing is allowed back to public road or no vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2014;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2014;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to

the satisfaction of the Director of Planning or of the TPB by 21.12.2014;

- (i) 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 21.9.2014;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.12.2014;
- (k) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) 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.”

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

- “(a) prior planning permission should have been obtained before continuing the development on the site;
- (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, LandsD) that the private land under the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. No approval has been given for the 6 proposed structures as open shed of goods, toilet, site office, and electric meter room specified in the application form. The site is accessible to Ping Ha Road via other private lots. His office does not guarantee right-of-way. No application for Short Term Waiver was received as far as the subject planning application is concerned. Should the application be approved, the lot owners will still to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others, the payment of premium or fee as may be imposed by LandsD;

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

- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Environmental Protection Department to minimize any potential environmental nuisance;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland

flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas, and that the applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;

- (g) to note the comments of the Commissioner for Transport that the local track leading to the site is not under the Transport Department's purview. The land status of the local 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;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Ping Ha Road;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that it is observed that 3 trees were dead and a number of trees were in poor condition due to improper pruning and crown removal. Replacement of these trees is required. In addition, some trees affected by climbers were in fair condition. The applicant is reminded to conduct regular tree maintenance works within the site;
- (j) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSI) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI are to be installed should be clearly marked on the layout plans. The location of where the

proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under BO. In connection with above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

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

Agenda Item 37

Any Other Business

Section 16A Application

A/YL-HT/780-7 Application for Extension of Time for Compliance with Planning Conditions, Lots 850 S.B RP (Part) and 897 S.B RP and Adjoining Government Land in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/780-7)

133. The Secretary reported an application for extension of time (EOT) for compliance with planning conditions (h), (j) and (k) under application No. A/YL-HT/780 was received on 18.3.2014. The application was approved with conditions by the Committee for temporary warehouse for storage of provisions for a period of 3 years up to 20.4.2015. Approval condition (h) was related to the implementation of the tree preservation and landscape proposal within nine months by 20.1.2013. The applicant subsequently submitted five EOT applications for compliance with the approval condition (h) and the compliance period had been extended from nine months to a total of 23 months up to 20.3.2014. Approval condition (j) was related to the implementation of fire service installations proposal within nine months by 20.1.2013. The applicant subsequently submitted five EOT applications for compliance with the approval condition (j) and the compliance period had been extended from nine months to a total of 23 months up to 20.3.2014. Approval condition (k) was related to the implementation of the drainage facilities within six months by 20.10.2012. The applicant subsequently submitted six EOT applications for compliance with the approval condition (k) and the compliance period had been extended from six months to a total of 23 months up to 20.3.2014. The current EOT application was received on 18.3.2014, which was only three days before the deadline for compliance with the approval conditions (h), (j) and (k) on 20.3.2014. According to the Town Planning Board Guidelines No. 34B for ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for

the consideration of the application. Hence, the application was recommended not to be considered.

134. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reason that the application for EOT was submitted only three days before the expiry of the specified time limit for conditions (h), (j) and (k), i.e. 20.3.2014.

135. There being no other business, the meeting was closed at 4:30 p.m.