

TOWN PLANNING BOARD

Minutes of 451st Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 21.10.2011

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Professor Edwin H.W. Chan

Ms. Anita W.T. Ma

Dr. W.K. Yau

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

Assistant Director (2), Home Affairs Department
Mr. Frankie W.P. Chou

Principal Environmental Protection Officer (Strategic Assessment)
Environmental Protection Department
Mr. Lawrence K.K. Ngo

Assistant Director/New Territories
Lands Department

Ms. Anita K.F. Lam

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

Secretary

Absent with Apologies

Professor Paul K.S. Lam

Dr. James C. W. Lau

Mr. Timothy K.W. Ma

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anna S.Y. Kwong

Mr. Stephen M.W. Yip

Mr. Rock C.N. Chen

In Attendance

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

Chief Town Planner/Town Planning Board (Atg.)
Mr. J. J. Austin

Town Planner/Town Planning Board
Mr. Vincent W.Y. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 450th RNTPC Meeting held on 7.10.2011

[Open Meeting]

1. The draft minutes of the 450th RNTPC meeting held on 7.10.2011 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

(i) Approval of Draft Plans

2. The Secretary reported that, on 4.10.2011, the Chief Executive in Council approved the following draft plans under section 9(1)(a) of the Town Planning Ordinance and the approval was notified in the Gazette on 14.10.2011:

- (a) Wang Tau Hom & Tung Tau Outline Zoning Plan (to be renumbered as S/K8/21);
- (b) Tsuen Wan Outline Zoning Plan (to be renumbered as S/TW/28);
- (c) Hoi Ha Development Permission Area Plan (to be renumbered as DPA/NE-HH/2); and
- (d) Pak Lap Development Permission Area Plan (to be renumbered as DPA/SK-PL/2).

(ii) Reference Back of Approved Plans

3. The Secretary reported that, on 4.10.2011, the Chief Executive in Council referred the following approved plans to the Town Planning Board for amendment under section 12(1)(b)(ii) of the Town Planning Ordinance and the reference back was notified in the Gazette on 14.10.2011:

- (a) Kwai Chung Outline Zoning Plan No. S/KC/25; and
- (b) Ngau Chi Wan Outline Zoning Plan No. S/K12/16

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting]

Y/SLC/3 Application for Amendment to the Approved South Lantau Coast Outline Zoning Plan No. S/SLC/16 from “Green Belt” to “Other Specified Uses” annotated “Columbarium”, Lots No. 26 (Part), 27 (Part), 28 (Part), 29 (Part), 30 (Part), 31 (Part), 32 (Part), 33 (Part), 34, 35, 37, 38, 39, 40, 41, 42 (Part), 43 (Part), 45, 46, 47, 48 (Part), 52 (Part), 54 (Part), 55 (Part), 56 (Part), 59 (Part), 60 (Part) and 61 (Part) in D.D.337L and their Adjoining Government land, Mong Tung Wan, Lantau Island
(RNTPC Paper No. Y/SLC/3)

4. The Secretary reported that on 12.10.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow more time for the applicant to address departmental concerns.

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

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

Agenda Item 4

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/119 Proposed Sitting Out Area (Leisure Garden)
in “Coastal Protection Area” zone,
Government Land to the south of the Children’s Playground on
Chi Ma Wan Road, Pui O, Lantau Island
(RNTPC Paper No. A/SLC/119)

Presentation and Question Sessions

6. The Secretary reported that Ms. Anna S. Y. Kwong and Mr. Stephen Yip had declared an interest in this item as they had current business dealings with one of the consultants of the application, namely Environ Hong Kong Ltd. Dr. James C. W. Lau also declared an interest in this application as he had current business dealings with Wong & Cheng Consulting Engineers Ltd, who was one of the consultants of the application. Mr. Frankie W. P. Chou also declared an interest in this item as the applicant, Leisure and Cultural Services Department was under the Home Affairs Bureau. The Committee agreed that Mr. Chou should leave the meeting temporarily. The Committee noted that Ms. Kwong, Mr. Yip and Dr. Lau had tendered apologies for being unable to attend the meeting.

[Mr. Frankie W. P. Chou left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the proposed sitting out area (Leisure Garden);

- (c) departmental comments – concerned departments had no objection or no adverse comments on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the site was located in a rural area in South Lantau which was mostly paved, only with some shrubs and trees along its peripheries. Bui O Public School and Pui O village proper were located about 150m and 200m respectively to the north. There was no proper passive recreational facility for the elderly in the area. The proposed sitting out area equipped with benches and elderly facilities was a needed community facility which would serve the needs of local residents, in particular the elderly residents, and enhance the community facilities and living environment of the area;
 - (ii) the proposed sitting out area, which included a Tai Chi area, 2 elderly facilities and 6 nos. of covered benches, was minor in scale and would not involve extensive clearance of vegetation. It was unlikely to cause adverse impacts on the landscape character and the natural features in the surrounding areas and the “Coastal Protection Area (“CPA”) zone. Director of Environmental Protection and Chief Town Planner/Urban Design and Landscape of Planning Department had no objection to the application and the Director of Agriculture, Fisheries and Conservation had no adverse comments on the application; and

(iii) there was no local objection to the application.

8. Members had no question on the application.

Deliberation Session

9. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- submission and implementation of landscape proposal including tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the proposed compensatory planting (Drawing No. LP-01 in the submission) did not meet the requirements stipulated in s.27 of ETWB Technical Circular (Works) No. 3/2006 - Tree Preservation;
- (b) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department as follows:
 - (i) screen buffer planting along the boundary edge of Chi Ma Wan Road was recommended;
 - (ii) the design of edge treatment, materials and colour scheme should be compatible with the adjoining children playground;
 - (iii) the compensatory planting should be agreed with the maintenance department; and

- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the existing water mains as shown on Drawing A-5 would be affected. The developer should bear the costs of any necessary diversion works affected by the proposed development.

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/SK-TLSW/1 Proposed House (New Territories Exempted House - Small House) and Excavation and Filling of Land for Installing a Septic Tank on land designated as “Unspecified Use”,
Lot No. 383 and adjoining Government land in D.D. 372,
Sai Wan Village, Sai Kung
(RNTPC Paper No. A/DPA/SK-TLSW/1)

[Mr. Frankie W. P. Chou returned to the meeting at this point.]

Presentation and Question Sessions

11. Mr. C.F. Yum, STP/SKIs, presented the application with the aid of a PowerPoint 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) and excavation and filling of land for installing a septic tank;
- (c) departmental comments were detailed in paragraph 10 and Appendix III of the Paper and highlighted below:
 - (i) the Commissioner for Transport (C for T) had reservation on the

application. He advised that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development, if permitted, would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, as the subject application only involved construction of one Small House, the application could be tolerated unless it was rejected on other grounds; and

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning point of view. The area was generally covered by grass and wild shrubs with scattered groups of small native trees and vegetation clearance would be required within the site, while significant landscape impact within the site was not expected, impacts might occur outside the site for construction access. Approval of the application would set an undesirable precedent and attract similar developments. The cumulative effect of approving similar applications would result in the general degradation of the natural scenic environment.

- (d) during the first three weeks of the statutory public inspection period, four public comments were received. The first comment was made by the Designing Hong Kong which stated that the lack of a sustainable layout plan for the area would deteriorate the living environment, impact on the well being of existing and future residents and would create health, social problems and future costs to society. It also failed to ensure appropriate access, right of way and parking space per household which would lead to illegal occupation, illegal and unsafe parking and adverse impacts on the harmony among residents and criminal behaviour. The seepage of the proposed septic tank to the ground water and nearby water bodies would also be detrimental to the existing and future residents. The other three

comments were from individuals who claimed to be a hiker, the wife of a deceased villager and an existing resident of Sai Wan. All of them stated that the existing beautiful and ecological environment of the surrounding area would be destroyed if Small House was to be built in Sai Wan Village; 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 which were summarised below:
 - (i) the proposed Small House under application complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the footprint of the proposed Small House was entirely within the village 'environs' of the recognized village. Certificates of Exemption in respect of Building Works, Site Formation Works and Drainage Works had been issued to the grantee on 17.3.1995. In this regard, District Lands Officer/Sai Kung, Lands Department had no objection to the application;
 - (ii) as the site was located relatively close to the existing village house clusters and no tree felling was involved, the proposed Small House development together with ancillary septic tank was not incompatible with the surrounding environment. The proposed Small House development would not have adverse impact on the surroundings as confirmed by concerned departments. Regarding CTP/UD&L, PlanD's concern on the possible cumulative effect of similar applications, since there was no "V" zone on the draft DPA Plan, the Board would consider each Small House application on its individual merits. DAFC had no objection to the application as the proposed house would not cause adverse impact on the landscape resource and landscape character of the area. Other concerned departments consulted had no objection to the application; and

- (iii) regarding the first public comment on the lack of sustainable layout plan, supporting facilities, infrastructural and transport provisions, it should be noted that the DPA Plan was an interim plan and appropriate land use zonings would be proposed in the course of preparation of the OZP pending detailed analysis and studies. As to the other three comments expressing the existing beautiful and ecological environment of the surrounding Sai Kung East Country Park (SKECP), concerned government departments, including DAFC, DLO/SK, C for T, DSD and DEP, had no adverse comment on or no objection to the application.

12. Members had no question on the application.

Deliberation Session

13. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department's as follows:
 - (i) the distance between the proposed septic tank and the existing stream was about 22m. The design and construction of the septic tank and soakage pit system should be in line with the Environmental Protection Department Professional Persons

Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93. The employment of an Authorized Person/Registered Structural Engineer/Registered Professional Engineer to undertake the supervision and certification of completion work was required. The applicant should be advised to check whether the size of the proposed septic tank (3.8m x 1.2m x 1.2m) had to be revised; and

- (ii) if there were any construction works outside the subject lot on government land in connection with the proposed development, the applicant had to get consent from his office prior to commencement of the works;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation as follows:
- (i) given the generally vegetated nature of the environ, and that the site was located in vicinity to a natural stream, the applicant should be reminded to implement good site practice in order to avoid adverse impacts to the surrounding environment during construction phase; and
 - (ii) though the site was located away from the boundary of the Sai Kung East Country Park (SKECP), the village was surrounded by the SKECP and there was no vehicular access available to the area. Widening of existing footpath for bringing in vehicles in support of the proposed development would impact on SKECP and was considered undesirable from SKECP point of view. The applicant should be reminded that prior permission from the Country and Marine Parks Authority should be obtained for bringing in vehicles to the site through SKECP and for works that encroach on SKECP area;
- (c) to note the comments of the Director of Leisure and Cultural Services that

the site fell within the boundary of the Sai Wan (Sai Kung) Site of Archaeological Interest, and the applicant was required to provide the Antiquities and Monuments Office (AMO) of his Department with sufficient time and to let the staff of the AMO enter the site to conduct an archaeological survey prior to the commencement of construction works;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) that for the provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to CE/Dev(2), WSD's satisfaction. Besides, water mains in the vicinity of the application site could not provide the standard fire-fighting flow; and
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

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

Agenda Item 6

Section 16 Application

[Open Meeting]

A/SK-HC/185 Proposed House (New Territories Exempted House – Small House)
in “Green Belt” zone,
Lot No. 1945 S.H in D.D. 244, Mok Tse Che, Sai Kung
(RNTPC Paper No. A/SK-HC/185)

15. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this application as she had current business dealings with the consultants of the application, namely Arthur Yung and Associates Co. Ltd. The Committee noted that Ms. Kwong had tendered an apology for being unable to attend the meeting.

16. The Secretary reported that on 7.10.2011, the applicant requested the Board to defer making a decision on the application for two months in order to allow sufficient time for the preparation and submission of additional supplementary information viz. revised landscaping proposal to address outstanding concerns from the Chief Town Planner/Urban Design and Landscape of Planning Department.

17. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information, and since this was the second deferment request and a total of seven months had been allowed, no further deferment would be granted.

Agenda Item 7

Section 16 Application

[Open Meeting]

A/SK-HC/187 Proposed House (Ancillary Road)
in “Green Belt” zone,
Lots 877 (Part), 878 (Part), 879 RP (Part), 887 (Part) and
1939 RP (Part) in D.D. 244 and adjoining Government Land,
Nam Pin Wai, Sai Kung
(RNTPC Paper No. A/SK-HC/187)

18. The Secretary reported that on 7.10.2011, the applicant requested the Board to

defer making a decision on the application for two months in order to allow sufficient time for the preparation of additional supplementary information including a visual impact assessment and revised landscape proposal to address outstanding concerns raised by the Chief Town Planner/Urban Design & Landscape of Planning Department on the tree preservation and landscape proposal.

19. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information, and since this was the third deferment request and a total of six months had been allowed, no further deferment would be granted.

Agenda Item 8

Section 16 Application

[Open Meeting]

A/I-LI/16 Proposed House (New Territories Exempted House)
in “Green Belt” zone,
Lot No. 1613 in D.D.3, Kam Lo Hom, Lamma Island
(RNTPC Paper No. A/I-LI/16)

20. The Secretary reported that on 11.10.2011, the applicant requested the Board to defer making a decision on the application for two months in order to gather information to respond to the comments of government departments.

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

for preparation of the submission of the further information, and no further deferment would be granted.

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-CWBN/16 Proposed Three Houses
(New Territories Exempted House - Small House)
in “Green Belt” zone,
Lots 416 S.A ss.1, 416 S.B, 416 S.C ss.1, 416 S.C RP, 416 RP,
417 S.A RP, 417 S.A ss.1, 417 S.A ss.2 S.A, 417 S.A ss.2 RP &
417 S.B & Adjoining Government Land in D.D. 238, Ng Fai Tin,
Clear Water Bay, Sai Kung
(RNTPC Paper No. A/SK-CWBN/16)

22. The Secretary reported that on 11.10.2011, the applicant’s representative requested the Board to defer making a decision on the application for two months in order to allow more time for the preparation and submission of additional supplementary information viz. revised landscaping and visual/geotechnical proposals to address outstanding concerns from the Chief Town Planner/Urban Design & Landscape of Planning Department.

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. The Committee also agreed to advise the applicant that a further two months were allowed for preparation of the submission of the further information, and since this was the second deferment request and a total of five months had been allowed, no further deferment would be granted unless under very special circumstances.

[Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Ms. Jessica K.T. Lee, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 10

Section 16A Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/696-1 Application for Extension of Time for Commencement of the Proposed Residential Development with Club House and Car Parking Facilities in “Comprehensive Development Area” zone,
Lots 698 S.B, 698 S.C, 698 S.D, 698 S.E, 698 S.F, 698 S.G, 698 S.H, 698 S.I, 698 S.J, 698 S.L, 698 S.M, 698 S.N, 698 S.O, 698 RP (part) and adjoining Government land in D.D. 181, Heung Fan Liu, Sha Tin (RNTPC Paper No. A/ST/696-1)

Presentation and Question Sessions

24. As the applicant was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), the Secretary reported that Mr. Y. K. Cheng had declared an interest in this application as he had current business dealings with SHK. Dr. W.K. Lo had also declared an interest in this application as he had an industrial unit in the Tai Wai area. Prof. Paul Lam had declared an interest in this application as he owned shares of Sun Hung Kai Properties Ltd. The Committee noted that Dr. Lo and Prof. Lam had tendered apologies for being unable to attend the meeting. The Committee agreed that Mr. Cheng should leave the meeting temporarily.

[Mr. Y. K. Cheng and Mr. Frankie W. P. Chou left the meeting temporarily at this point.]

25. 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 extension of time (EOT) for commencement of the proposed residential development with club house and car parking facilities for a period of 12 months until 22.10.2012;
- (c) departmental comments – District Officer (Sha Tin), Home Affairs Department (DO(ST), HAD) had consulted the Pak Tin Areas 4, 5 and 6 Mutual Aid Committee (MAC). The MAC, representing 18 villagers, maintained their stand against the application mainly on grounds that the proposed development would cause adverse impacts on traffic safety, pedestrian access, noise and environment, drainage, fire safety, slope stability, nature conservation, visual and land ownership rights of Pak Tin residents;
- (d) the Planning Department (PlanD)'s views - PlanD had no objection to the application based on the assessments set out in paragraph 8 of the Paper which were summarised below:
 - (i) the EOT application was generally in line with the TPB PG-No. 35B in that there had been no material change in the planning circumstances in relation to the land use zoning and development restrictions of the site since the granting of the planning permission on 22.10.2010 (Application No. A/ST/696). The applicant had taken action to commence the approved scheme including submission of building plans for approval by the BD and application to the LandsD for land exchange. The set of building plans for Phase 1 of the proposed development submitted by the applicant on 2.8.2011 was approved by the BD on 1.9.2011 while DLO/ST advised that the application for land exchange was still in progress. The applicant had also made effort to comply with the approval conditions by submitting a revised Landscape Master Plan, a revised Drainage Impact Assessment and studies on natural terrain landslide hazards and implementation of stabilization works, though the submissions were not yet fully accepted by the Chief Town

Planner/Urban Design & Landscape of Planning Department, Chief Engineer/Mainland South of Drainage Services Department and Head, Geotechnical Engineering Office of CEDD respectively. There was no objection to the EOT application from concerned government departments;

- (ii) the proposed extension period of 12 months, which was the same as the original duration for commencement of the approved development proposal, was considered not unreasonable; and
- (iii) the local concerns conveyed by DO(ST) on the proposed development were related to environmental, flooding, pedestrian circulation, geotechnical, nature conservation, road safety and traffic, and land ownership dispute grounds. The public comments were similar to the concerns raised at the application stage. They had been considered by the Board when granting the planning permission on 22.10.2010 and could be addressed by incorporating relevant approval conditions and advisory clauses in the planning permission. Besides, there had been no change in planning circumstances since the last approval. For the land interests, these had in fact been considered before by the Committee in approving the previous application and could be dealt with at land exchange stage.

26. Mr. Luk said that on 21.10.2011, the Commissioner for Transport advised that the previous approval condition regarding no population intake should be allowed prior to the completion of the road improvement works at the junction of Pik Tin Street/Mei Tin Road had been complied with to his satisfaction. Hence that approval condition could be deleted should the application be approved.

27. Members had no question on the application.

Deliberation Session

28. After deliberation, the Committee decided to approve the application for EOT, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 22.10.2012, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP), taking into account the approval conditions as stated in paragraphs (b), (e), (i) and (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Master Landscape Plan including tree preservation proposals to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised drainage impact assessment and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (d) the design and provision of sewerage connections to the application site to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) the submission and implementation of the land use and management proposals for the “Greenbelt Conservation Area” within the application site to the satisfaction of the Director of Lands or of the TPB;
- (f) the submission of studies on natural terrain landslide hazards and implementation of stabilization works and/or mitigation measures identified therein to the satisfaction of the Director of Civil Engineering and Development or of the TPB;
- (g) no population intake should be allowed prior to the completion of the Sha Tin Sewerage Treatment Works Stage III Phase 2 upgrading works, the

Heung Fan Liu Street Gyratory System and Bridge MT5 by the Government;

- (h) the provision of access from the application site to Heung Fan Liu Street to the satisfaction of the Commissioner for Transport or of the TPB; and
- (i) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) any further extension of the validity of this permission would be outside the scope of Class B amendments as specified by the TPB. If the applicant wish to seek any further extension of time for commencement of the development, the applicant might submit a fresh application under section 16 of the Town Planning Ordinance. The TPB Guidelines No. 35B and 36A should be referred to for details;
- (b) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (c) to obtain agreement and advice from the CLP Power Hong Kong Limited (CLPP) for any construction works carried out within the 50m working corridor of the 400kV overhead lines, and allow CLPP to perform tree cutting in future on those plantation having insufficient clearances to the 400kV overhead lines and had the right of access to the “Greenbelt Conservation Area” at the northern part of the application site for carrying out necessary maintenance and repair works of the 400kV overhead lines;
- (d) to carry out an assessment on the impact of the Lower Shing Mun Pumping

Station and the jet disperser of Lower Shing Mun Reservoir (particularly on noise) on the proposed development;

- (e) to carry out an assessment of the impact of dam break on the proposed development as the application site was within the dam-break flood plain of Lower Shing Mun Reservoir;
- (f) the landscape proposal should include compensatory planting of large trees of over 0.5m girth diameter;
- (g) to provide information on the extent of land requirement for the proposed access from the application site to Heung Fan Liu Street to the Director of Lands;
- (h) to provide the Director of Environmental Protection with a Self Assessment Form on traffic noise for the proposed development for information;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the developers and the potential occupiers/tenants should be informed and be made aware that although the strength of magnetic field from the overhead lines was well below the safety limit recommended by the International Commission on Non-ionising Radiation Protection which had been adopted in the Hong Kong Planning Standards and Guidelines (HKPSG), it might still pose undue interference to some household electronic equipment such as TV & computer monitor for houses too close to the 400kV overhead lines;
- (j) to note the comments of the Director of Water Supplies that if the existing water mains encroached by the subject site would be affected, the cost of any necessary diversion should be borne by the development;
- (k) to note the comments of the Commissioner for Transport that the proposed carpark provision was high and the applicant should follow the present HKPSG requirements of 1 carpark space for every 7 flats of size 40 to

69.9m² and 1 carpark space for every 2.8 flats of size 70 to 99.9m². On the other hand, the motorcycle parking space provision rate should be 10% of the total provision for carpark spaces;

- (l) to provide hoarding and sufficient lighting, control of construction noise and footway to Areas 4, 5, 6 of Pak Tin Village during construction stage; and
- (m) to resolve any land issue relating to the development with other concerned owner(s) of the application site.

Agenda Item 11

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/29 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” and “Village Type Development” zones,
Lots 1640 S.B (Part) and 1640 S.C in D.D. 91,
Kai Leng, Sheung Shui
(RNTPC Paper No. A/NE-PK/29)

[Mr. Y. K. Cheng and Mr. Frankie W. P. Chou returned to join the meeting at this point.]

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House (NTEH) - Small House);

- (c) departmental comments – departmental comments were detailed in paragraph 9 and Appendix IV of the Paper and highlighted below:
- (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as agricultural life in the close vicinity of the application site was very active and the application site was of high potential for rehabilitation of agricultural activities; and
 - (ii) the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application. However, he advised that existing water mains would be affected and the applicant should bear the cost of any necessary diversion works affected by the proposed development.
- (d) one public comment was received during the first three weeks of the statutory publication period from a North District Council member who supported the application as it would benefit villagers; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper, which were summarised below:
- (i) the application generally complied with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the footprint of the proposed Small House was entirely within the village ‘environs’ (‘VE’) of Kai Leng and there was insufficient land within the “V” zone of Kai Leng to meet the Small House demand. In this regard, District Lands Officer/North, Lands Department had no objection to the application;
 - (ii) although the proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support

the application as agricultural life in the close vicinity of the application site was very active and the application site was of high potential for rehabilitation of agricultural activities, the application site was located to the immediate south-west of the village proper of Kai Leng and the footprint of the proposed Small House fell entirely within the 'VE' of the same village. Besides, the proposed Small House development was not incompatible with the surrounding land uses, which were predominantly rural in nature intermixed with vacant land, active agricultural land and temporary domestic structures to the north-east, south and west; committed and existing residential developments to the immediate north, further west and north-west. In addition, similar applications for Small House development within/partly within the same "AGR" zone in the vicinity of the application site had been approved with conditions by the Committee. Moreover, the proposed Small House development would not cause significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Although CE/Dev(2), WSD advised that the existing water mains would be affected by the proposed development, his concern could be addressed by including a relevant advisory clause to the approval. Relevant government departments had no adverse comments on or no objection to the application. One public comment supporting the application was also received.

31. Members had no question on the application.

Deliberation Session

32. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) existing water mains would be affected and the applicant should bear the cost of any necessary diversion works affected by the proposed development;
 - (ii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (iii) the application site was located within the flood pumping gathering ground;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; and

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

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/372 Proposed House (New Territories Exempted House - Small House)
in “Agriculture” zone,
Lot 1087 S.B in D.D. 82, Tong Fong Tsuen, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/372)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House - Small House);
- (c) departmental comments were detailed in paragraph 9 and Appendix IV of the Paper and highlighted below:
 - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development point of view as agricultural life in the close vicinity of the application site was very active and the application site was of high potential for rehabilitation of agricultural activities; and

- (ii) the Commissioner for Transport (C for T) had reservation on the application. He advised that such type of development should be confined within the “Village Type Development” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, as the subject application only involved construction of one Small House, the application could be tolerated unless it was rejected on other grounds;

- (d) one public comment was received during the first three weeks of the statutory publication period from a North District Council member who supported the application as it was good for the villagers; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the proposed Small House generally complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that the proposed Small House footprint was entirely within the village ‘environs’ (‘VE’) of Tong Fong Village and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Tong Fong Village. In that regard, District Lands Officer/North, Lands Department had no objection to the application;

 - (ii) although the proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application from agricultural development point of view, the Small House development at this location was not incompatible

with the surrounding area as village houses within the Village Proper of Tong Fong Village were located approximately 20m to the north of the site. Moreover, it was anticipated that the proposed development would not cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area. Concerned government departments had no adverse comment / no objection to the application. One public comment supporting the application was also received.

35. Members had no question on the application.

Deliberation Session

36. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that their Consultants Management Division had carried out sewerage works in the vicinity of the subject site under Contract

No. DC/2002/08 “Northeast New Territories Village Sewerage Phase 2”. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;

- (b) to note the comments of Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (c) to note the comments of Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department / formal submission of general building plans; and
- (d) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and to obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 13

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/435 Proposed Public Convenience
in “Village Type Development” zone,
Government land in D.D.7, Tai Hang Tsz Tong Tsuen,
Kau Lung Hang, Tai Po
(RNTPC Paper No. A/NE-KLH/435)

Presentation and Question Sessions

38. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed public convenience;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) one public comment was received during the first three weeks of the statutory publication period and the commenter supported the application as there was no permanent public toilet in the area to serve local residents and visitors; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the application site fell within the “V” zone, which was primarily intended for development of Small Houses by indigenous villagers and was also intended for a more orderly development pattern,

efficient use of land and provision of infrastructures and services. The proposed public convenience use did not contravene the planning intention of the “V” zone as it was a supporting facility to meet the needs of local villagers and visitors by replacing the aqua privy which was demolished in 2003 and improving the hygienic condition in the village area. District Lands Officer/Tai Po, Lands Department had no objection to the application as the application site was held under a permanent government land allocation GLA No. TP446 allocated to the applicant for public toilet use. The applicant had consulted the concerned village representatives and members of the Tai Po District Council and they generally agreed with the proposed location of the public convenience;

- (ii) although the application site fell within the Water Gathering Ground (WGG), Chief Engineer/Consultants Management, Drainage Services Department advised that the application site was located very close to the works area of the ‘North District Sewerage, Stage 2 Phase 1 – Village Sewerage Works for Tai Hang’ project, and public sewerage works would be provided in Tai Hang which would also allow the connection of the proposed public convenience to the public sewerage. In this regard, Chief Engineer/Development(2), Water Services Department had no objection to the application subject to the incorporation of a relevant approval condition; and
- (iii) the proposed public convenience was a small scale development and was not incompatible with the surrounding rural setting. It was unlikely to cause adverse environmental, drainage, traffic, visual and landscape impacts on the surrounding areas. Relevant departments consulted had no objection to or adverse comments on the application. One public comment supporting the application was also received.

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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comment of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain maintained by his Department and no existing public sewerage in the vicinity of the site. For the drainage systems, the applicant was required to submit and implement a

drainage proposal for the site to the satisfaction of Director of Drainage Services to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such system properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage and nuisance caused by failure of the systems. For the sewerage systems, sewerage connection might be available when the proposed village sewerage works under the 'North District Sewerage, Stage 2 Phase 1' project was completed in around 2016/17. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

- (c) to note the comments of the Commissioner for Transport that the existing nearby village access was not under his traffic management and to check with the lands authority on the land status of the village access and clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of the village access accordingly;
- (d) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department that the access adjoining the application site was not maintained by his office;
- (e) to note the Chief Engineer/Development (2), Water Supplies Department's conditions in Appendix II of the RNTPC Paper; and
- (f) to note the comment of the Director of Agriculture, Fisheries and Conservation to avoid the mature trees to the east of the application site as far as possible.

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-TK/370

Proposed Two Houses

(New Territories Exempted Houses - Small Houses)

in “Green Belt” and “Village Type Development” zones,

Lots 518 s.A ss.15 (Part), ss.16, ss.17 and RP (Part) in D.D. 26

and Adjoining Government Land, Shuen Wan Lei Uk, Tai Po

(RNTPC Paper No. A/NE-TK/370)

42. The Secretary reported that Ms. Anna S. Y. Kwong had declared an interest in this application as she had current business dealings with the consultants of the application, namely C. M. Wong & Associates Ltd. The Committee noted that Ms. Kwong had tendered an apology for not being able to attend the meeting.

43. The Secretary reported that on 7.10.2011, the applicants’ representative requested the Board to defer making a decision on the application for two months in order to allow sufficient time for the preparation of supplementary information including responses to departmental comments on landscape and visual aspects and various technical issues.

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

Agenda Item 15

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/371 Proposed House (New Territories Exempted House - Small House)
 in “Agriculture” zone,
 Lot 863 in D.D. 23, Po Sam Pai, Tai Po
 (RNTPC Paper No. A/NE-TK/371)

Presentation and Question Sessions

45. Ms. Jessica K.T. Lee, 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) the departmental comments were in paragraph 9 and Appendix IV of the Paper and highlighted below:
 - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was not within the boundaries of the Po Sam Pai village ‘environs’ (‘VE’) and the “Village Type Development” (“V”) zone;

 - (ii) the Commissioner for Transport (C for T) had reservation on the application. He advised that such type of development should be confined within the “Village Type Development” zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative

adverse traffic impact could be substantial;

- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site fell within the “AGR” zone and had high potential for agricultural rehabilitation; and
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. The site was part of an existing access overgrown with weeds, shrubs and trees. It was likely that the site formation and Small House construction works would unavoidably remove at least four of the *Macaranga tanarius* and damage the roots of the *Dimocarpus longan* nearby. Therefore, some adverse impact on the existing landscape resources was anticipated. Also, in general it was likely that if this application was approved, it would set an undesirable precedent to similar Small House application in the “AGR” zone, resulting in urban sprawl and degradation of landscape quality in this otherwise pleasant landscaping setting;
- (d) two public comments were received during the first three weeks of the statutory publication period. One of the comments, submitted by the Designing Hong Kong Limited, objected to the application for reasons that the area was zoned “AGR”; the zoning intention and character of the area was incompatible with urban sprawl; and the area lacked a plan for a sustainable layout of infrastructure and development. The other comment which was submitted by the IIR of Po Sam Pai village, objected to the application raising concerns on the adverse fung shui impact, sewerage impact and pedestrian access problem caused by the proposed development on the area; 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

which were summarised below:

- (i) the site fell entirely within the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The DAFC did not support the application from agricultural point of view as the site fell within “AGR” zone and had high potential for agricultural rehabilitation;

- (ii) although there was a general shortage of land in meeting the future Small House demand in the concerned villages, the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House as the site was entirely outside the “V” zone and the ‘VE’ of any recognised village. In this regard, DLO/TP, LandsD did not support the application. As no similar planning application for Small House development outside the ‘VE’ had ever been approved in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area. Moreover, CTP/UD&L of PlanD had reservations on the application from the landscape planning point of view raising concern on the adverse impact on the existing landscape resources; and

- (iii) there were public comments objecting to the application on grounds of incompatibility with “AGR” zone and concerns of adverse impacts on the surrounding area.

46. Members had no question on the application.

Deliberation Session

47. 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 did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories as more than 50% of the footprint of the proposed Small House was outside the “Village Type Development” zone and the village ‘environs’ of any recognised village; and
- (b) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/507 Proposed Government Refuse Collection Point
in “Village Type Development” zone,
Government land in D.D. 36, Po Min, Tai Po
(RNTPC Paper No. A/TP/507)

Presentation and Question Sessions

48. Ms. Jessica K.T. Lee, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed government refuse collection point (RCP);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper which were summarised below:
 - (i) the site for the RCP was zoned “Village Type Development” (“V”) on the OZP. The planning intention of the “V” zone was to designate both the existing recognized villages and areas of land considered suitable for village expansion. It was also intended for a more orderly development pattern, efficient use of land and provision of infrastructures and services for the villages. The proposed RCP use did not contravene the planning intention of the “V” zone as it was to serve the villagers by improving the refuse collection facilities and hygienic condition in the area. Based on the applicant's analysis and catchment plans, a new RCP was required to serve the residents in Wong Nai Fai and Po Min. Moreover, the subject location had been agreed by representatives of the villagers and the proposal was supported by the Environment, Housing and Works Committee (EHWC) of the Tai Po District Council (TPDC); and
 - (ii) while the subject site was within the “V” zone, it was located against a vegetated slope and separated from village houses by a recently completed carpark and access road, abandoned fields and a water channel. The proposed RCP with a footprint of 50m² was not incompatible with the surrounding rural setting and was unlikely to cause adverse traffic, drainage, environmental, visual and landscape impacts on the surrounding areas. Relevant departments consulted had no objection to or adverse comments on the application and no public comment was received.

49. Members had no question on the application.

Deliberation Session

50. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the District Lands Officer/Tai Po that should the application be approved by the Board, the Food and Environmental Hygiene Department had to submit formal application to his office for a government land allocation for the proposed Refuse Collection Point (RCP) to facilitate the construction works and the occupation of the site for RCP use;
- (b) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) as follows:
 - (i) a clear demarcation should be constructed at the connection between the proposed RCP and HyD road. This would facilitate the division of maintenance responsibilities of the RCP and public road;
 - (ii) drainage channels within the allocation boundary of the RCP should be constructed to prevent any surface runoff from the RCP from overflowing onto public road. These drainage channels should be maintained by the allocatee of the RCP or his maintenance agent; and

- (iii) HyD would not be responsible for the maintenance of the RCP area;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should also resolve any land matters associated with the provision of water supply and be responsible for construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (d) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department; and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (e) to note the comments of the Director of Electrical and Mechanical Services in paragraph 8.1.9 of the Paper.

[The Chairman thanked Mr. Anthony K.O. Luk, Ms. Doris S.Y. Ting and Ms. Jessica K.T. Lee, STP/STN, for their attendance to answer Members' enquires. Mr. Luk, Ms. Ting and Ms. Lee left the meeting at this point.]

Tuen Mun and Yuen Long District

[Mr. Ernest C.M. Fung, Mrs. Deborah P.C. Chan, Mr. K.C. Kan and Mr. Kepler S.Y. Yuen, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/267 Renewal of Planning Approval for Temporary
Open Storage of Landscaping Materials Use for a Period of 3 Years
in “Green Belt” zone,
Lot 882 (Part) in D.D. 105, Shek Wu Wai San Tsuen,
Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/267)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed renewal of planning permission for temporary Open Storage of Landscaping Materials use for a period of 3 years;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the agricultural point of view. He advised that the site had a high potential of rehabilitation for agricultural uses;
- (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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of landscaping materials could be tolerated for another period of three years based on the assessment set out in paragraph 12 of the Paper which were summarised below:

- (i) the temporary open storage of landscaping materials was not in line with the planning intention of “GB” zone which was intended primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. Nonetheless, landscaping materials, while not being natural features, could in a sense blend in with the surrounding natural landscape. Hence, such open storage use which could, on the one hand make good use of fallow farmland, and on the other hand, help maintain the functions of the “GB” zone, could be given sympathetic consideration;

- (ii) the site was the subject of five previous applications submitted by the same applicant for the same use approved by the Board upon review or by the Committee. The current application was the fifth planning application for renewal of planning permission for the same use at the same site. The applicant had complied with all the approval conditions on landscaping, drainage and fencing in the last approval. Moreover, no adverse planning implications arising from the renewal of the approval were expected and relevant government departments had no adverse comments on the application. There was also no adverse comment from the landscape planning point of view. Technical requirements raised by relevant government departments could be addressed by imposing the relevant approval conditions. Regarding DAFC’s comment that the site had high potential of rehabilitation for agricultural uses, it was noted that temporary use of the site would not preclude rehabilitation for agricultural use in future. Approval of the current application was consistent with the Board/Committee’s previous decisions on applications at the site;

- (iii) TPB PG- No.13E stipulated that a maximum period of 2 years might be allowed upon renewal of planning permission for Category

4 areas and TPB PG-No. 34B also stipulated that the approval period for renewal should not be longer than the original validity period of the last previous approval. However, since the site had been used for the same purpose since 2001 and had maintained a good record and there had not been any environmental complaints on the site, it was recommended that permission could be renewed for 3 years as applied; and

- (iv) there was no local objection against the application.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, from 7.11.2011 to 6.11.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter, park or operate at the site at any time during the planning approval period;
- (b) no night-time operation between 6:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Saturdays, Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the existing trees on the site should be maintained at all times 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 the as-built drainage plan on site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2012;
- (g) the submission of a condition record of the existing drainage facilities on site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.5.2012;
- (h) the submission of an as-built planting plan on site 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 6.5.2012;
- (i) the submission of a fire service installations (FSIs) proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 6.5.2012;
- (j) in relation to (i) above, the provision of FSIs as proposed 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 6.8.2012;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application

site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department that the lot under application was Old Scheduled Agricultural Lot held under the Block Government Lease under which no structures were allowed to be erected without prior approval of the government. The site was accessible through an informal village track on private land and government land (GL). His office did not provide maintenance works on GL nor guaranteed right-of-way;
- (b) to note the comments of the Commissioner for Transport that the site was connected to an unnamed local access road which was not managed by his Office, the land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant did not include a drainage plan for counter checking with the agreed drainage plan submitted under the previous submission. The applicant, therefore, should submit the as-built drainage plan for reviewing under the current application. In addition, the applicant was still required to provide a set of record photographs showing the completed drainage works with corresponding photograph locations marked clearly on the approved drainage plan. He would inspect the completed drainage works jointly with the applicant with reference to the set of photographs. The applicant was reminded to note his other detailed comments as mentioned at Appendix VI of the RNTPC paper;
- (d) to note the comments of the Director of Environmental Protection that the latest “Code of Practice on Handling Environmental Aspects of Temporary

Uses and Open Storage Sites” issued by the Environmental Protection Department should be followed to minimize potential environmental impacts on the surrounding areas;

- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. In formulating the FSIs proposal for open storage of non-combustibles or limited combustibles, the applicant was advised that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. In addition, the applicant should also be advised the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the location of where the proposed FSIs to be installed should be clearly marked on the layout plans; and the applicant should adhere to the good practice guidelines for open storage as suggested in Appendix VI of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant was required to provide justifications to his department for consideration; and

- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that before any new building works were to be carried out on the application site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they were Unauthorized Building Works (UBW). Also, an authorized person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For any UBW erected on leased land, enforcement action might 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 approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO. If the proposed use under application was subject to the issue of a licence, the applicant should be reminded that any existing structures on the application site intended to be used for such purposes were required to comply with the building safety and other relevant

requirements as might be imposed by the licensing authority.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/355 Proposed Filling and Excavation of Land for Development of
New Territories Exempted Houses
in “Village Type Development” zone,
Lots 492 S.A to 492 S.F, 492 RP and 493 in D.D. 122,
Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/355)

Presentation and Question Sessions

56. Mrs. Deborah P.C. Chan, STP/TMYL (Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed filling and excavation of land for development of the New Territories Exempted Houses (NTEH);
- (c) departmental comments – the Commissioner for Transport (C for T) had concern on the vehicle trips generated by the proposed filling and excavation works;
- (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), Home Affairs Department; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper which were summarised below:
- (i) land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers. The site fell entirely within the “V” zone and the village ‘environs’ (‘VE’) of Hang Tau Tsuen/Hang Mei Tsuen/Sheung Cheung Wai. According to District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD), 2 Small House applications on part of the site (i.e. Lots 492 S.A and S.C in D.D. 122) had been approved and he supported the planning application. The proposed filling and excavation of land was associated with the site formation for 7 Small Houses (including the 2 Small Houses already approved by DLO/YL) within the “V” zone and was therefore considered in line with the planning intention of the “V” zone;
 - (ii) the site was largely vacant and covered by grass and weeds. There were no ponds at or adjacent to the site. Temporary domestic structures were found on site and village houses were found to its immediate south and southwest. The applicants indicated that filling up of the application site by about 1.1m in height for future house development was proposed as there was a 1.2m high small slope located to the southwest side of the site;
 - (iii) in view of the nature and scale of the proposed filling and excavation works, no adverse impact on the surrounding area was anticipated. In this connection, noting that the site fell entirely within the “V” zone and its surrounding areas were disturbed in nature, the Director of Agriculture, Fisheries and Conservation had no strong view on the application from the nature conservation point of view. Chief Town Planner/Urban Design & Landscape, Planning Department considered that the proposed Small Houses were not incompatible with the existing and planned landscape

environment. According to the submission, new toe walls were proposed for stabilizing the 2 proposed platforms and the top level of the toe wall should be level with the adjacent higher land. As the toe walls were only about 1.1m high, the resultant visual impact would not be significant and could be mitigated by imposing relevant approval conditions. Other relevant departments consulted had no adverse comments to the application;

- (iv) On the Commissioner for Transport's (C for T) concern on the vehicle trips generated by the proposed filling and excavation works, the applicant clarified that 1 heavy truck was expected travel to the site on the first day of construction and 1 heavy truck would again travel to the site at the end of the construction period. Therefore, vehicle trips generated by the proposed works were considered not significant and adverse traffic impact to the adjacent public road networks was not anticipated; and
- (v) there was no local objection against the application.

57. A Member asked about the trip generation of the proposed excavation and filling works as well as the re-utilization of the soil excavated for backfilling. In response, Mrs Chan said that the soil excavated from the proposed excavation works would not be substantial and, according to the information provided by the applicants, it was expected that one heavy truck would travel to the site on the first day of construction and one heavy truck would again travel to the site at the end of the construction period. Mr. T. K. Choi supplemented that TD agreed with the further information submitted by the applicant on the number of trips generated by the proposed excavation and filling works.

Deliberation Session

58. 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 21.10.2015, and after the said date, the permission should cease to have

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

- (a) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owners had to apply to his office for the house developments. His office, acting in the capacity as landlord might approve the applications at its discretion and if such approval was granted, it would be subject to the terms and conditions including the payment of administrative fee, as imposed by his office. In addition, if any proposed works fell on the adjoining government land, prior approval should be obtained from his office before commencement of the works;
- (b) to note the comments of the Director of Environmental Protection that the applicants should follow the guideline on “Recommended Pollution Control Clauses for Construction Contracts” (http://www.epd.gov.hk/epd/english/environmentinhk/eia_planning/guide_ref/rpc.html) to minimise the environmental impact during construction stage (in particular Chapter 5 “Waste Management”);
- (c) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide their 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 above comments were only applicable to the proposed filling and excavation works and did not imply “no objection” to the proposed New Territories Exempted Houses (NTEH). The NTEH development should be subject to the approval from DLO/YL, LandsD and his comment on the proposed NTEH might be furnished upon request from DLO/YL, LandsD in future;

- (d) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection and should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standard;
- (e) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that site formation works including filling and excavation works were building works under the control of Buildings Ordinance (BO). Before any new site formation works were to be carried out on the application site, prior approval and consent of the Buildings Authority (BA) should be obtained, otherwise they were unauthorized buildings works. An Authorised Person should be appointed as the co-ordinator for the proposed site formation works in accordance with the BO. The BO (Application to the New Territories) Ordinance, Cap. 121 made provisions for the issue of a certificate of exemption (C of E) from prior approval and consent of the BA in respect of site formation works in the New Territories. The criteria for the issue of a C of E by the Director of Lands for these site formation works were laid down in the PNAP APP-56;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant was advised to adopt good site practices and implement necessary measure to avoid affecting the nearby trees

during the proposed works (including opening/widening of access, if any);

- (g) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that more illustrations/details should be provided to demonstrate the proposed treatment of the toe walls;
- (h) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should follow the relevant Building Regulations for the NTEHs development. His office would continue to provide geotechnical comments on the development upon receipt of future geotechnical design submission of the project, if any; and
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicants/contractor(s) should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. If there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicants/contractor(s) should carry out the following measures:
 - (i) prior to establishing any structure within the site, the applicants and/their contractor(s) should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 19

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/356 Temporary Public Vehicle Park for Private Cars,
Light Goods Vehicles and Light Buses for a Period of 3 Years
in “Comprehensive Development Area”, “Residential (Group B) 1”,
“Residential (Group E)2” and “Village Type Development” zones,
Lots 568, 569RP, 585(part), 586, 590(part) and 591(part) in D.D. 122,
Ping Hing Lane, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/356)

Presentation and Question Sessions

60. Mrs. Deborah P.C. Chan, STP/TMYL (Atg.), presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private cars, light goods vehicles and light buses for a period of 3 years;
- (c) departmental comments – District Officer/Yuen Long, Home Affairs Department (DO/YL, HAD) received a letter from the Owners’ Corporation of Ka On Garden raising objection to the application on environmental and safety grounds as there were large vehicles and coaches parked on and moving in and out of the site in the morning and evening.
- (d) a public comment was received during the first three weeks of the statutory publication period. The commenter objected to the application as the applicant failed to comply with the approval conditions that large vehicles or even dangerous goods vehicles were frequently parked on the site and school buses and container vehicles were always entering and exiting the site outside operation hours; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary vehicle park could be tolerated for a period of three years based on the assessments set out in paragraph 11 of the Paper which were summarised below:
- (i) the site had been used for the applied use since 2002 and there was no development proposal concerning the site to implement the planned uses. Approval of this application on a temporary basis would not frustrate the long-term planning intention of the subject “V”, “CDA”, “R(B)1” and “R(E)2” zones. Besides, the proposed vehicle park was for private cars, light goods vehicles and light buses (not exceeding 16 seats) only and was not incompatible with the surrounding land uses which were predominantly residential in character. The public vehicle park could serve the parking needs of the local residents;
 - (ii) the site was the subject of five previous applications for similar use and were all approved by the Committee since 2002. The last application at the site for similar use and submitted by the current applicant was renewed on 5.12.2008 for 3 years until 7.4.2012. Approval conditions relating to drainage records and fire service installations had been complied with by the applicant. There was no change in planning circumstances since last approval that warrants a departure from the previous decision;
 - (iii) the Director of Environmental Protection had no objection to the application and only advised the applicant to follow the ‘Code of Practice on Handling Environmental Aspects of Temporary Uses & Open Storage Sites’ issued by his department. Restrictions on operation hours and type of vehicles as recommended in the approval conditions would further reduce the potential impact on the surrounding environment. Any non-compliance with the approval conditions would result in revocation of the planning permission

and unauthorised development on site would be subject to enforcement action by the Planning Authority. Besides, other concerned departments had no adverse comments on the application. It was unlikely that the development would create significant adverse traffic, drainage and landscape impacts on the surrounding areas; and

- (iv) regarding the public comment concerning the parking of large vehicles and the driving of large vehicles running in or out of the site outside the permitted operation hours, PlanD had conducted site inspections, which found that no large vehicle including medium and heavy goods vehicle, coach and container tractor/trailer were parked on the site. Nevertheless, should the Committee approve the application, PlanD would step up the monitoring of the site and any non-compliance with the approval condition would result in revocation of the planning permission.

61. Members had no question on the application.

Deliberation Session

62. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach (i.e. exceeding 16 seats) as proposed by the applicant was allowed to be parked/stored on the site at any time during the planning approval period;

- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach (i.e. exceeding 16 seats) was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no night time operation between 8:30 p.m. and 8:30 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (e) no excavation of land was allowed on the site at any time during the planning approval period without the prior written consent from the Director of Leisure and Cultural Services;
- (f) the existing vegetation on the site should be maintained in good condition at all times during the approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the approval period;
- (h) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.4.2012;
- (i) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.4.2012;
- (j) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 21.4.2012;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of planning approval to the satisfaction of

the Director of Highways or of the TPB by 21.7.2012;

- (l) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.4.2012;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.7.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning condition (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with other owner(s) of the application site;
- (b) to note the comments of District Lands Officer/Yuen Long, Lands Department that the site was accessible via a short stretch of Government Land (GL) extended from Ping Hing Lane. His office did not provide maintenance works for this GL nor guarantee right-of-way. Application for Short Term Waiver at Lot 586 had been received, but owners of the

remaining lots concerned still needed to apply to his office to regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the department;

- (c) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. 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 Chief Highway Engineer/New Territories West, Highways Department (HyD) that the run-in/out at the access point at Ping Hing Lane should be constructed in accordance with the latest version of Highway’s Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains through the run in/out. HyD should not be responsible for the maintenance of any vehicular access between the site and Ping Hing Lane;
- (f) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of this planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied

regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. Use of container as office and storage were considered as temporary structures and was subject to control under Building (Planning) Regulations (B(P)R) Part VII. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R19(3) at building plan submission stage. Attention should be drawn to the requirements on provision of emergency vehicular access to all buildings under B(P)R41D; and

- (g) to note the comments of the Director of Fire Services that layout plans incorporated with the proposed fire service installations (FSIs) 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 plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was required to provide justifications for his consideration.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/185 Proposed Comprehensive Development to include
Wetland Restoration Area (Houses and Wetland Habitat)
(Proposed Amendments to an Approved Scheme)
in “Other Specified Uses” annotated “Comprehensive Development
to include Wetland Restoration Area” zone,
Lots 43 S.A RP (Part) and 50 in D.D. 101, Wo Shang Wai,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/185)

Presentation and Question Sessions

64. As the applicant was a subsidiary of Henderson Land Development Co. Ltd, the Secretary reported that Dr. James C. W. Lau had declared an interest in this application as he had current business dealings with Henderson Land Development Co. Ltd. The Committee noted that Dr. Lau had tendered an apology for being unable to attend the meeting.

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

- (a) background to the application;
- (b) the proposed amendments to the scheme for comprehensive development to include wetland restoration area (houses and wetland habitat);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application;
- (d) during the first three weeks of the statutory public inspection period, nine public comments were received, including five supporting comments on the

grounds that the proposed building height was lowered which would reduce impact on the nearby residential developments; the proposed development/creation of wetland would conserve the environment; the integral development had struck a balance between wetland protection and the development; there were great improvements both in urban design internally and externally for the benefits of the neighbouring residents. One individual strongly objected to the application on the grounds that the road network could not cope with the increased traffic. Designing Hong Kong Limited (DHKL) also objected to the application because the area was largely within the buffer zone of the Ramsar site and it was unsuitable for residential development, and approval of the application would set an undesirable precedent for similar cases in the area. One individual had concern about the traffic capacity of Castle Peak Road and the potential impacts on the congested Lok Ma Chau and Fairview Park roundabouts as well as the emergency ambulance service; and the Owners' Incorporation of Royal Palms Phase A had concern about the possible noise, air and light pollution from the proposed residential clubhouse on the inhabitants of Royal Palms;

- (e) during the first three weeks of the statutory public inspection period of the supplementary information, three public comments were received of which a Yuen Long District Council member objected to the application as it would damage the wetland and habitats of birds, the Owners' Incorporation of Royal Palms Phase A had concern about possible pollution from the proposed interim sewage treatment plant and the adverse impact on nearby residents, and DHKL raised concern on the development of 358 houses which was excessive for the area and that the traffic forecast neglected the existing problems on Castle Peak Road – Tim Mi Section;
- (f) as additional information was submitted on 4.3.2011, the application was re-published for public inspection. During the first three weeks of the statutory public inspection period of further supplementary information, eleven public comments were received of which eight residents of Palm Springs commented that the Wetland Restoration Area (WRA) had become

a construction site which sharply increased the traffic; the Owners' Incorporation of Royal Palms Phase A expressed concern over the refuse collection point (RCP) of the proposed development and its adverse effects on the surrounding areas; a Yuen Long District Council member objected to the deletion of an approval condition relating to access road connection to Castle Peak Road; DHKL raised concern on the development of 344 houses which was excessive for the area as well as the traffic forecast; the Village Representative reserved his right to raise his objection provided that his village boundary would be enlarged; the Village Representative of Wo Shang Wai strongly objected to the application on environmental and traffic grounds; and the Mai Po Concern Group, the Concern Group on Protection of the Mai Po Wetland, an individual as well as a villager of Mai Po village objected to the application as it would cause adverse impact on the wetland area; and

- (g) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessment made in paragraph 12 of the Paper which were summarised below:
 - (i) the site was covered by a previous approval for proposed comprehensive development to include WRA under Application No. A/YL-MP/166, which was approved by the Committee on 19.9.2008. The WRA under the approved scheme had already been implemented to the satisfaction of the Director of Agriculture, Fisheries and Conservation. The current application mainly involved proposed amendments to the previously approved scheme which included the reduction of the site area by deleting the area within the "V" zone and slightly adjusting the lot boundary within the "OU(CDWRA)" zone; reduction of maximum domestic GFA; amendments to the design of the residential blocks by replacing all low-rise flats of 4 storeys above ground by low-rise houses of 2-3 storeys above ground and 1 basement floor for E&M, or E&M and car park; amendments to the general layout of the residential part of the proposed development; and amendments to the number of units,

parking provisions, landscape and open space design. There was no proposed amendment to the restored wetland area in the northern part of the site;

- (ii) while the site area was reduced, due to the corresponding reduction in maximum domestic GFA, the plot ratio of 0.4 remained unchanged. Hence, there was no increase in development intensity. The deletion of the flats at/near the eastern, southern and western edges of the site would reduce the “over-looking” impact on the adjoining existing residential developments (including Royal Palms and Palm Springs). For the general layout, the change in the general orientation of houses would not result in any significant impact. The green planted buffer strip along the boundary of the site facing the adjoining residential developments (i.e. Palm Springs, Wo Shang Wai and Royal Palms) would be maintained. Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) had no objection from urban design, visual and landscape planning perspective. Although the number of car parking spaces had substantially increased from 448 to 736 (+288 or 64.29%), the proposed provision was agreed by Commissioner for Transport. While the amount of proposed communal open space remained the same, the communal landscape and water-body provision increased by 2,605 m². There was also a reduction in the number of units, as well as a change in landscape and open space design as a result of revision to the general layout. In view of the above, the proposed amendments would not worsen the previous approved scheme;

- (iii) the proposed development was in line with the TPB PG-No. 12B regarding the requirements on Ecological Impact Assessment (EcoIA) submission, no net increase in pollution load to Deep Bay, and provision of ecological and visual buffer to the Wetland Conservation Area (WCA). The applicant submitted an EcoIA in support of the previous application and subsequently submitted a

revised EcoIA for compliance with the approval condition (g) of the previous application. The revised EcoIA was accepted by the Director of Agriculture, Fisheries and Conservation (DAFC) on 12.5.2010. Besides, the WRA provided in the northern part of the site would meet the wetland and visual buffer requirement to separate the residential development from the WCA to minimize its impact on the wetland and to restore some of the lost fish ponds to an appropriate form of wetland adjoining the WCA. In this regard, the DAFC and CTP/UD&L, PlanD had no objection to the current application. It was therefore considered that the proposed development would meet the requirement of the TPB PG-No. 12B that developments should not have negative off-site disturbance impact on the ecological value of fish ponds and that sufficient buffer was provided to protect the WCA;

- (iv) regarding the requirement on no net increase in pollution load to the Deep Bay, the applicant had clarified that the proposed interim on-site sewage treatment plant was deleted from the application submission, and a connection would be made to the public sewer when it was available. As advised by the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD), works on the Mai Po section of the Yuen Long and Kam Tin Sewerage would commence in 2013 for completion in 2017. It should be noted that a condition of the current Environmental Permit (EP) required that the residential units should be occupied only after the sewage from the development could be discharged to the government sewerage network. In this regard, relevant advisory clauses were recommended to advise the applicant to connect the sewerage of the development to the public sewerage system and to inform the future buyers about this requirement;
- (v) concerned departments had no adverse comments on the application. The on-going interface during the construction of Hong Kong Section of the Guangzhou –Shenzhen –Hong Kong Express Rail

Link (XRL) as mentioned by the Chief Engineer/Railway Development 2-3, Railway Development Office of Highways Department could be tackled by retaining condition (b). Although a junction at Castle Peak Road – Mai Po to the east of the site would be constructed under the XRL project, detailed design of the access road connecting the proposed development to that junction would need to be further considered by concerned departments. In view of the comments of the Commissioner for Transport (C for T), the previous approval condition on road junctions was revised and a new condition on access connection between the development and the public road was proposed. Technical concerns on fire safety, landscape, drainage, ecology, vehicle parking and visual could be addressed through imposing appropriate approval conditions. In view of the Chief Highways Engineer/New Territories West of Highways Department's comment on the proposed noise barriers, the PlanD would also consult the HyD on receipt of submission for compliance with condition (n);

- (vi) with regard to the long-term maintenance and management of the restored wetland at the site, the applicant had proposed to follow the arrangements for an upfront lump sum donation to the Environment and Conservation Fund (ECF) established under the ECF Ordinance, sufficient to generate recurrent incomes to support the pledged conservation programmes, for ensuring the long-term maintenance and management of the WRA, and details were to be worked out in due course. The applicant also confirmed that subject to a reasonable period (say 6-9 months) from the approval of the application, the arrangement would be completed prior to execution of the lease modification for the residential portion of the proposed development. Subject to the agreement of the ECF Committee in taking up the subject site, sufficient funding could be made available to support the long-term maintenance and management of the restored wetland area through ECF. The Director of Environmental Protection (DEP), DAFC and District Lands

Officer/Yuen Long of Lands Department had no objection and the relevant previous approval condition had been revised and new conditions were added to reflect this arrangement. Regarding the applicant's expectation of reaching an agreement on the amount of money to be donated to the ECF within 6-9 months from the approval of the application, the DEP had commented that he would advise the applicant as soon as possible; and

- (vii) regarding the local concerns on the traffic capacity, possible drainage, noise, air and glare impact from the residential clubhouse on the nearby Royal Palms, and ecological impact, C for T, CE/MN, DSD, DEP and DAFC had no objection to the application from traffic, drainage, environmental and conservation viewpoints respectively. Besides, some individuals expressed support to the application as the integral development had struck a balance between wetland protection and the development and there were improvements in urban design internally and externally with the neighbouring residents. To address the concern about the possible impact from the proposed interim sewage treatment plant, the applicant proposed to delete the interim on-site sewage treatment plant in the application and a connection would be made to the public sewer when it was available. The area zoned "V" had been excluded from the site and would not be affected by the current scheme.

66. Members had no question on the application.

Deliberation Session

67. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a revised Master Layout Plan (MLP) to take into account conditions (b) to (n) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the interface arrangement for Express Rail Link project in terms of permanent land take for Express Rail Link tunnels and structures and temporary land take for related construction to the satisfaction of the Director of Highways or of the TPB;
- (c) the submission and implementation of a revised Landscape Master Plan including tree preservation scheme to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Drainage Impact Assessment (DIA) to the satisfaction of the Director of Drainage Services or of the TPB;
- (e) in relation to (d) above, the provision and maintenance of the flood mitigation measures proposed in the revised DIA and any other stormwater drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the implementation of the mitigation measures identified in the revised Ecological Impact Assessment under Application No. A/YL-MP/166 to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (g) the submission and implementation of a maintenance and management plan which covered implementation details and the estimated annual recurrent costs with breakdown required for maintaining the restored wetland area to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB;
- (h) the submission and implementation of a funding arrangement proposal for

ensuring the long-term maintenance and management of the restored wetland area to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB;

- (i) as proposed by the applicant, land exchange and/or lease modification for the proposed development if considered and approved by the Director of Lands, should not be executed prior to the compliance with condition (h) to the satisfaction of the Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation, or of the TPB;
- (j) the design and provision of improvement measures at the junction of Palm Springs Boulevard and Castle Peak Road – Mai Po section to the satisfaction of the Commissioner for Transport or of the TPB;
- (k) the design and provision of vehicle parking, motorcycle parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (l) the provision of emergency vehicular access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (m) the design and provision of the access connection between the development and the public road to the satisfaction of the Commissioner for Transport or of the TPB; and
- (n) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that should planning approval be given to the

planning application, the lot owner(s) was required to apply to his Office for a land exchange/lease modification to allow implementation of the proposed development. Such application would be considered by the LandsD, acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to terms and conditions including among others, payment of premium or fee, to be imposed by the LandsD;

- (b) to note the comments of the Commissioner for Transport that detailed design of the junctions, including the road markings, between the ground level access roads and the basement carpark ramps should be submitted for comment; dimensions (including width, length, headroom) of the proposed parking spaces should be stated; width of the carpark aisles should be stated; sight lines at the junctions and corners of the aisles should be checked; sight lines when the vehicle moves out from the carpark to the aisle should be checked; and parking arrangement at the end of the aisle should be checked;
- (c) to note the comments of Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not responsible for maintaining the proposed noise barrier. To facilitate maintenance of the noise barrier by the owner of the subject lot, the applicant was reminded that the face of the noise barrier should be set back 2m from the boundary to provide access for future maintenance; and the landscape design, colour code, etc. of the proposed noise barrier should be submitted to Landscape Unit, HyD for comment at the detailed design stage;
- (d) to note the detailed comments of Chief Engineer/Railway Development 2-3, Railway Development Office, HyD that were indicated in Appendix III of the RNTPC paper;
- (e) to note the comments of the Director of Environmental Protection that the applicant should disclose information of the measures to mitigate noise impact to potential buyers and ways to avoid the measures from being

changed/removed by future users after occupation; and go through the statutory Environmental Impact Assessment Ordinance process should the applicant intended to go for the revised development scheme;

- (f) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the applicant was reminded to properly address the public comments in the updated DIA report with due consultation with the concerned government department;
- (g) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; the applicant was reminded that fresh water from government mains should not be used for watering plant nurseries or landscape features purposes except with the written consent of the Water Authority. Consent to use fresh water from the mains for such purposes might be given on concessionary supply basis if an alternative supply was impracticable and evidence to that effect was offered to and accepted by the Water Authority. Such permission would be withdrawn if in the opinion of the Water Authority the supply situation required it;
- (h) to note the comments of the Director of Fire Services that the provision of emergency vehicular access (EVA) should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Fire-fighting and Rescue under Building (Planning) Regulations (B(P)R) 41D. Based on the MLP, the proposed EVA was considered unsatisfactory. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of Chief Building Surveyor/New Territories West,

Buildings Department that the access road was assumed to be designed to the standard of a specified street with a width of at least 4.5m and that of an emergency vehicular access under B(P)R 41D. The area of the internal streets, if required under Buildings Ordinance section 16(1)(p), would need to be deducted from the site area for the purpose of plot ratio and site coverage calculations; as regards the layout of the proposed houses submitted previously in November 2010, the applicant was advised that the size of the pump rooms and filtration plant room was excessive and would be Gross Floor Area (GFA) accountable. Detailed assessment would be conducted upon submission of formal building plans;

- (j) that the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or GFA concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;
- (k) that the sewerage of the development should be connected to the public sewerage network, as proposed by the applicant;
- (l) that the applicant should inform the potential buyers of the residential units that the residential units of the development should be occupied only after the sewerage of the development was connected to and sewage from the development could be discharged to the government sewerage network; and
- (m) to liaise with the residents of the adjoining developments of Wo Shang Wai, Palm Springs and Royal Palms and local villagers on the landscape proposal for the green planted buffer strip along the boundary of the application site facing the adjoining developments.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/195 Field Study Centre (Wooden Boardwalk and Ringing Hut to Facilitate the Research of Avian Value of Reedbed) in “Site of Special Scientific Interest” zone, Part of Gei Wai 7 and 8, Mai Po Nature Reserve, Government Land, Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/195)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed field study centre (Wooden Boardwalk and Ringing Hut to Facilitate the Research of Avian Value of Reedbed)
- (c) departmental comments – concerned government departments had no objection to or no adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; 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 which were summarised below:
 - (i) the planning intention of “Site of Special Scientific Interest”

("SSSI") zone was to conserve and protect the features of special scientific interest such as rare or particular species of fauna and flora and their habitats, corals, woodlands, marshes or areas of geological, ecological or botanical/biological interest. No developments were permitted unless they were needed to support the conservation of the features of special scientific interest in the SSSI, to maintain and protect the existing character of the SSSI, or for educational and research purposes. The proposed wooden boardwalk and ringing hut were to facilitate research of the avian value of reedbed and scrub habitats at Mai Po Nature Reserve (MPNR) by providing safe access for bird ringers to the ringing areas and a sheltered place for the temporary keeping of the bird for processing. The research would provide important information on bird migration and biometrics that would help to devise a management strategy for the management of reedbed in the Mai Po Nature Reserve (MPNR). The proposed wooden boardwalk and ringing hut were therefore in line with the planning intention of the "SSSI";

- (ii) the proposed wooden boardwalk and ringing hut complied with the requirements of the TPB PG-No. 12B in that (a) they helped to support the conservation of the ecological value of the reedbed and scrub habitat in the MPNR, which formed an integral part of the wetland ecosystem in the Deep Bay Area through scientific research; and (b) the applicant submitted an Environmental Assessment, which also covered the ecological aspect. The assessment concluded that no additional construction works were required as the wooden boardwalk and ringing hut were already in place and no adverse environmental impact was anticipated;
- (iii) the wooden boardwalk and ringing hut were considered not incompatible with the surrounding natural environment, comprising predominantly fish ponds and would not have adverse landscape impacts on the existing landscape resources;

- (iv) no environmental complaints had been received in the past 3 years. The Director of Environmental Protection had no adverse comment on the application from environmental perspective given no construction works would be involved. Other concerned departments had no comments/no objection to the application and there was no public comment on the application received during the statutory publication period.; and
- (v) the site was largely the subject of a previously approved Application (Application No. A/YL-MP/165) for the same use on a temporary basis. The wooden boardwalk and ringing hut had been in place since the previous application. The applicant explained that as the proposed research project was expected to continue for a long term, the current application had applied for permission on a permanent basis of which DAFC had no objection. In view of the assessment, extending the uses to a permanent basis was considered acceptable. Since 1997, the Committee had approved a total of 5 applications for similar uses within the same “SSSI” zone. Approval of the application was in line with the previous decisions of the Committee.

70. Members had no question on the application.

Deliberation Session

71. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department that the site was situated on government land (GL) within two licence areas, namely Gei Wai 7 and Gei Wai 8, which had been granted to the applicant since 1993 and 1988 respectively. As expressed in the Licence Conditions, the Licence Area of Gei Wai 7 should not be used for any purpose other than for the purpose of a nature reserve, while that of Gei Wai 8 should not be used for any purpose other than for the purpose of a nature reserve area of the Wildlife Education Centre established in Mai Po by the Licensee. Moreover, it was also stated in the Licence Conditions of both Licences that no structure other than those that had obtained his prior written approval should be erected on the Licence Area. Should planning approval be given, the applicant was reminded to apply to his office for the aforementioned written approval for the erection of the proposed wooden boardwalk and ringing hut prior to the commencement of work. Should no application be received/approved and the irregularities persist on-site, his office would consider taking appropriate action against the Licensee pursuant to the relevant provisions of the Licences;
- (b) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that he had no comment under the Buildings Ordinance (BO) on the application noting that the proposed works would be carried out on government land. Otherwise, formal submission of any proposed new works for approval was required under the BO;
- (c) to note the comments of the Director of Fire Services that no combustibles were to be stored in the ringing hut;
- (d) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's

standards; and

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

Agenda Item 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/364 Temporary Open Storage of Vehicles and Vehicle Parts for Export for a Period of 3 Years in “Agriculture” zone,
Lots 422 S.B s.s.1 (Part), 422 S.B RP (Part), 422 S.C RP (Part) and
422 RP (Part) in D.D. 110 and Adjoining Government Land,
Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTN/364)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of vehicles and vehicle parts for export for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

did not support the application as there were sensitive receivers, i.e. residential structures found to the north, east, and south of the site, and environmental nuisance was expected. However, no environmental complaint was received in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site fell within an area zoned “AGR” and it had high potential for agricultural rehabilitation.

- (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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use under application could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper, which were summarised below:
 - (i) the applied use was considered not incompatible with the surrounding land uses which were characterized by open storage/storage yards, workshops, a warehouse with vehicle parking, a factory, scattered residential structures/development, an orchard and vacant/unused land. Although DAFC did not support the application as he considered that the application site was of high potential for rehabilitation of agricultural activities, it was noted that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes or the long-term planning intention of the “AGR” zone. Besides, there was no agriculture-related activity in the vicinity within the “AGR” zone and a large piece of land zoned “Open Storage” and “Industrial (Group D)” which was occupied by open storage/port back-up uses abutted the eastern boundary of the site;
 - (ii) the current application was considered generally in line with TPB PG-No. 13E in that relevant government departments except DEP

and DAFC had no adverse comment on the application. The open storage of vehicles and vehicle parts for export was a use which generated relatively less environmental nuisance than other open storage uses. The applicant also indicated that no medium or heavy goods vehicle and container tractor/trailer would be used and there was no workshop within the site. The site was the subject of a previous approval and similar applications No. A/YL-KTN/355 and A/YL-PH/618 located to the north and northeast of the site had also been approved by the Committee recently on 1.4.2011 and 28.1.2011 respectively. There was no major change in planning circumstances that warrant a departure from the Committee's previous decisions;

- (iii) although DEP did not support the application due to the presence of residential structures to the north, east and south of the site (the nearest being about 10m away) and environmental nuisance was expected, no local objection had been received during the statutory publication period and no environmental complaint had been received by DEP in the past three years. To address the concern of DEP on the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities 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 adopt the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential impact. The technical concerns/requirements of Commissioner for Transport, Chief Town Planner/Urban Design & Landscape of Planning Department, Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services could be addressed by relevant approval conditions.

- (iv) although the previous planning permission (Application No. A/YL-KTN/341) for the same use was revoked due to non-compliance with the approval conditions related to landscape, drainage and fire safety aspects, the applicant had complied with the approval condition related to provision of boundary fencing had submitted landscape, drainage and fire service installations (FSIs) proposals though they were not considered satisfactory by the relevant departments. The applicant had also amended and submitted the landscape, drainage and FSIs proposals under the current application. However, in view of the revocation of the previous planning permission (Application No. A/YL-KTN/341) due to non-compliance with the approval conditions, shorter compliance periods were proposed to monitor progress of compliance should the current application be approved. Moreover, the applicant would be advised that should he fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application;
- (v) a shorter approval period of 1 year instead of 3 years sought was granted to the previous application to monitor the situation in view of local objections received at that time. As no local objection was received under the current application, a 3-year approval period could be given; and
- (vi) there was no local objection against the application.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.10.2014, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) no vehicular access to the southeast of the site affecting the passing bay at Kam Tai Road was allowed at any time during the planning approval period;
- (f) sufficient manoeuvring spaces and access to the visitor/staff parking spaces within the site should be maintained at all times during the planning approval period;
- (g) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.1.2012;
- (h) the submission of landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.1.2012;

- (i) in relation to (h) above, the implementation of landscaping proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.4.2012;
- (j) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.1.2012;
- (k) in relation to (j) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.4.2012;
- (l) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.1.2012;
- (m) in relation to (l) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.4.2012;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were granted so as to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given for the specified structures as storage of vehicle parts, office, conference room and staff rest room and fire pump room. No permission had been given for occupation of government land (GL) within the site. The site was accessible to Kam Tai Road via GL. LandsD did not provide maintenance works on this GL nor guarantee right of way. Should the application be approved, the lot owner and occupier of the GL concerned would still need to apply to LandsD to permit structure to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open

Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that planting shrubs only was inadequate to alleviate the adverse impacts of the development, and tree row should be proposed along the northern boundary;
- (g) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. Information on the type of construction of the structures should be provided and illustrated by photos, if possible. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, he was required to provide justifications to his department for consideration;
- (i) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the submitted drainage proposal suggested no open drainage channel would be provided at the western and southern sides

of the site. The applicant should demonstrate how the surface runoff that fall onto and passed through the site could be intercepted and disposed of via proper discharge points, and be prevented from overflowing onto the adjacent areas. Besides, cross sections showing the ground levels of the site and the adjacent areas should be given. The gradient of the proposed U-channels and the flow direction of the existing channels/drainage pipes should also be shown on the drainage plan. In addition, DLO/YL, LandsD or the relevant lot owners should be consulted as regards all proposed drainage works to be carried out outside the lot boundary or the applicant's jurisdiction;

- (j) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tai Road;
- (k) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/627 Temporary Open Storage of Construction Materials, Machinery (Electricity Generator), Vehicle Parts, Temporary Transit Shipment Particles and Containers for Storage of Plastic Barriers for a Period of 3 Years in “Agriculture” and “Residential (Group D)” zones, Lots 2887 (Part), 2888 (Part) and 2901 in D.D. 111, Wang Toi Shan, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/627)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials, machinery (electricity generator), vehicle parts, temporary transit shipment particles and containers for storage of plastic barriers;

- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application due to the presence of sensitive receivers, i.e. residential structures to the northwest, southeast, and west of the site, and environmental nuisance was expected. However, there was no environmental complaint was received in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there was active agricultural activity near the site and the site had high potential for agricultural rehabilitation.
- (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), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the development was considered not incompatible with the surrounding land uses which were a mixture of various open storage uses. Given that there was no known permanent development at this part of the "Residential (Group D)" (“R(D)”) zone, the approval of the application on a temporary basis would not frustrate the long-term planning intention of the “R(D)” zone. Although DAFC did not support the application from agricultural point of view, given the development history of the site and only a relatively small portion of the site fell within the “AGR” zone, it was considered that the approval of the application on a temporary basis for a period of 3 years would not frustrate the planning intention of the “AGR” zone on the OZP. There were approved applications for similar open storage uses in the vicinity of the site. Two applications (No. A/YL-PH/610 and 613) for similar temporary open storage uses to

the east and west of the site were also approved by the Committee on 27.8.2010 and 24.9.2010 respectively;

- (ii) the application was in line with TPB PG-No. 13E in that previous planning approvals for similar open storage uses on the site had been granted since 1999 and approval conditions under the last Application No. A/YL-PH/555 relating to the landscape aspect had been complied with. There was also no adverse comment from the relevant departments except DAFC and DEP. Since there was no major change in planning circumstances and the applicant had complied with the relevant approval conditions under the last approval, sympathetic consideration could be given to the current application;

- (iii) although DEP did not support the application due to the presence of sensitive receivers, i.e. residential structures, to the northwest, southeast and west of the site with the nearest being about 20m away and environmental nuisance was expected, no local objection was received during the statutory publication period and no environmental complaint was received by EPD in the past 3 years. To address DEP's concern, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting the storage or handling of electronic and computer wastes and dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. 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 undertake the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to alleviate any potential impact; and

- (iv) there was no local objection against the application.

78. Members had no question on the application.

Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 6:00 p.m. and 9:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site at any time during the planning approval period;
- (d) no storage of used electrical appliances or any other types of electronic waste was allowed on the open area of the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on the site at any time during the planning approval period;
- (f) the drainage facilities implemented on the site under Application No. A/YL-PH/555 should be maintained at all times during the planning approval period;
- (g) the submission of the records of the existing drainage facilities on the site

within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.4.2012;

- (h) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.4.2012;
- (i) in relation to (h) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.7.2012;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.12.2011;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.4.2012;
- (l) in relation to (k) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.7.2012;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the

application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with concerned owners of the site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) the permission was only given to the use/development under application. It did not condone the workshop use existing on the site that was not covered by the application. The applicant should take immediate action to discontinue the workshop use not covered by the permission;
- (d) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the private land involved under application comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval of LandsD. The site was accessible from Kam Tin Road over private land and government land (GL). LandsD did not provide maintenance works on this GL nor guaranteed right-of-way. Should the application be approved, the lot owners would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to note the comments of the Director of Fire Services that the applicant should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) on the provision

of fire extinguisher(s) to his department;

- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that some construction materials and machinery were stored close to the existing trees and they should be removed;
- (g) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities;
- (h) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kam Tin Road;
- (i) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for the provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (j) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be used under the application. Before any new building works, including any temporary structures to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained. Otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the

co-ordinator for the proposed building works in accordance with the BO. For any UBW erected on leased land, enforcement action might 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 the BO. If the proposed use under application was subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority; and

- (k) to adopt the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by Environmental Protection Department for implementation of appropriate mitigation measures.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/628 Proposed Utility Installation for Private Project
(Electricity Substation) and Excavation of Land
in "Village Type Development" zone,
Lot 574 S.C ss.4 in D.D. 111, Chuk Hang Tsuen,
Ha Che, Yuen Long
(RNTPC Paper No. A/YL-PH/628)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) the proposed utility installation for private project (Electricity Substation) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long), Home Affairs Department; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessment set out in paragraph 11 of the Paper which were summarised below:
 - (i) the proposed electricity substation was located within the “Village Type Development” (“V”) zone of Ha Che. It was for the electricity supply of Small Houses in the vicinity. The electricity substation was an essential facility to serve the concerned area;
 - (ii) as the proposed electricity substation involving the excavation of land of about 2.5m in depth was of a relatively small scale, it would not be incompatible with the surrounding village-type development and unlikely to cause significant and unacceptable environmental impact such as the noise impact to the surroundings. In this regard, concerned government departments including the Director of Environmental Protection (DEP), the Director of Electrical and Mechanical Services (DEMS) and Head of Geotechnical Engineering Office of Civil Engineering and Development Department (H(GEO), CEDD) had no adverse comments on the application. The Director of Health (D of Health) also had no adverse comment on the application and there was no in-principle objection to the application from the landscape planning point of view. To address the potential landscape and visual impacts of the

proposed electricity substation on the surrounding environment, an approval condition requiring the submission and implementation of landscape proposal to provide landscape treatment to screen the proposed electricity substation from the surroundings was recommended. The technical requirements of Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) and the Director of Fire Services (D of FS) would also be addressed by relevant approval conditions; and

- (iii) there was no local objection against the application.

82. Members had no question on the application.

Deliberation Session

83. The Secretary said that in approving an application for an electricity package substation in Shap Sz Heung (Application No. A/NE-SSH/77) on 26.11.2010 and 10.12.2010, the RNTPC agreed to include an advisory clause advising the applicant to verify the actual compliance of the electricity substation with the International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998) and submit the report to the DEMS for consideration upon commissioning of the electricity facility. After further discussion with EMSD and D of Health on the subject advisory clause, DEMS advised that verification of compliance of the ICNIRP guidelines by on-site measurement and submission of report to EMSD were not necessary for electricity substation development as the design and operation of electricity substation had to comply with all relevant statutory regulations and ordinances. Hence, it was proposed that the relevant advisory clause for electricity substation should be amended accordingly. The Committee agreed.

84. 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 21.10.2015, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to screen the development from the surroundings to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land involved under application comprised Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. The site was accessible via government land (GL) and private land to Fan Kam Road. LandsD did not provide maintenance works on this GL nor guarantee right of way. The lot owner needed to apply to LandsD to permit any structure to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such approval was given, it would be subject to such terms and conditions including among others the payment of premium or fee, as imposed by LandsD;
- (b) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (c) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Fan Kam Road;
- (d) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) during the building plan submission stage. The applicant should observe the requirements on provision of emergency vehicular access (EVA) to all buildings under B(P)R 41D. Formal submission of any proposed new work, including the package substation structure for approval under the Buildings Ordinance was required. Detailed checking of plans would be carried out upon formal submission of building plans;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. Emergency vehicular access (EVA) provision in the site should comply with the standard as stipulated in the Part VI of the Code of practice for Means of Access for Fire-fighting and Rescue under the B(P)R 41D;
- (f) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD's standards;
- (g) to note the comments of the Director of Health that according to the World

Health Organization (WHO), it was important to comply with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998). With the compliance with the 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. WHO also encouraged effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities. Verification of actual compliance with the ICNIRP guidelines, by the project owner or the Electrical and Mechanical Services Department as the regulator, was advisable upon the commissioning of the electricity substation; and

- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practice should be adopted during construction to prevent site run-offs from polluting the nearby watercourse, and to avoid damaging the trees near the site as far as practicable.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/551 Temporary Open Storage of Construction Machinery and Containers with Ancillary Dismantling, Cleansing, Repairing and Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 1935, 1936, 1937 (Part), 1938, 1940 and 1950 in D.D. 117, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/551)

Presentation and Question Sessions

86. Mr. Kepler S.Y. Yuen, STP/TMYL, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and containers with ancillary dismantling, cleansing, repairing and workshop activities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site and environmental nuisance was expected. However, he advised that there was no environmental complaint concerning the site received in the past three years;
- (d) one comment from a Yuen Long District Council member was received during the first three weeks of the statutory publication period. The commenter considered that the repeated revocations of the previous planning approvals reflected the applicant’s insincerity to comply with the approval conditions and hence the current application should be rejected; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years but subject to shorter compliance periods to monitor the progress on compliance with approval conditions based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application was generally in line with the TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas under TPB PG-No. 13E, that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended

for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the Commissioner for Transport (C for T) had no adverse comment on the application;

- (ii) the development was not incompatible with the surrounding areas which were mixed with open storage yards and warehouses. Although DEP did not support the application as there were sensitive receivers in the vicinity of the site and along the access road, there was no environmental complaint in the past 3 years. The nearest residential dwellings were about 60m to the northwest of the site and they were separated from the site by other uses. The applicant also proposed not to operate at the site during night time between 6:00 p.m. and 9:00 a.m. and on Sundays and public holidays. It was expected that the development would not generate significant environmental impact on the surrounding areas. To address DEP's concerns, approval conditions restricting the operation hours were recommended. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the site 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" in order to alleviate any potential impact.

- (iii) the two previous planning approvals for temporary open storage use under Applications No. A/YL-TYST/396 and 426 submitted by a different applicant were revoked due to non-compliance with the approval conditions which prohibited the carrying out of dismantling, repairing, cleansing and workshop activities (for Application No. A/YL-TYST/396) and which required the implementation of landscape proposal and submission and implementation of drainage and Fire Service Installations (FSIs) proposals (for Application No. A/YL-TYST/426). It was, however,

noted that ancillary dismantling, repairing, cleansing and workshop activities were allowed in the last approval under Application No. A/YL-TYST/426. The current application was more or less the same as the last application (No. A/YL-TYST/426) but it was submitted by another applicant who had included landscape, drainage and FSIs proposals in the submission to address the technical issues. The landscape and FSIs proposals submitted were considered acceptable to Chief Town Planner/Urban Design & Landscape of Planning Department and the Director of Fire Services. In this regard, the application might be tolerated for one more time. Nevertheless, despite that the application was submitted by a different applicant, the applied use was the same as that under the previously revoked cases and had not been discontinued. To ensure the adverse impacts would be addressed as early as possible, shorter compliance periods were recommended to monitor the progress on compliance with approval conditions. The applicant should be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked due to non-compliance of approval conditions; and

- (iv) there was a public objection to the application concerning the applicant's insincerity to comply with the approval conditions. However, in view of the fact that the relevant departments consulted generally had no adverse comment on the application and the applicant had demonstrated efforts to address the landscape and fire safety issues, the current application might be tolerated.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.1.2012;
- (d) in relation to (c) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.4.2012;
- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.1.2012;
- (f) in relation to (e) above, the implementation of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.4.2012;
- (g) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.1.2012;
- (h) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (c), (d), (e), (f) or (g) was not

complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

89. 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) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (e) to note the comments of District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the lot owners would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for this track nor guaranteed right-of-way;

- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Kung Um Road;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary measures should be implemented to avoid affecting the nearby wooded area in the “Conservation Area” (“CA”) zone to the south;
- (j) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that all the existing and proposed trees should be clearly marked and differentiated on tree preservation and landscape plan to be submitted by using two different symbols in order to avoid confusion;
- (k) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the site was located in an area where no proper public drainage system was available in the vicinity. The area was only served by some of the existing local village drains which might not have adequate capacity. As such, the applicant should demonstrate that the development would not cause any adverse drainage impact on the existing drainage facilities and the adjacent area. The proposed 375mm

u-channels should be extended to the southern part of the site to intercept runoff that fell onto and passed through the site. Catchpits should be provided at the turning points along the proposed 375mm u-channels. The details of connection with the existing drain should be shown on the drainage plan. The applicant should check and demonstrate that the hydraulic capacity of the existing drain would not be adversely affected by the development. Boundary fence in the form of metal sheets should be shown on the drainage plan and it should not obstruct any surface runoff or overland flow. Moreover, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant's jurisdiction;

- (l) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (m) to note the comments of the Director of Fire Services that the installation/maintenance/modification/repair work of fire service installations should be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to him;
- (n) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were

unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works were to be carried out on the site including any temporary structures, the prior approval and consent of the Building Authority should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the Buildings Ordinance. For UBW erected on leased land, enforcement action might be taken by the Building Authority to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The temporary office and staff restrooms were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and

- (o) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/552 Temporary Open Storage of Construction Machinery and Materials for a Period of 3 Years in “Undetermined” zone,
Lots 2423 RP (Part), 2426 RP (Part), 2427, 2428 RP (Part), 2429 S.A, 2429 S.B, 2429 S.C, 2429 S.D (Part), 2429 RP, 2430, 2431 (Part), 2432 (Part), 2433 (Part), 2434 (Part), 2688 (Part), 2690 (Part), 2691, 2692, 2693 (Part), 2694, 2695, 2696 (Part), 2697, 2698 S.A (Part), 2698 S.B (Part), 2699 (Part), 2700 (Part) and 2701 (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/552)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and materials for a period of 3 years;
- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses along the access track leading from Shan Ha Road to the site, and environmental nuisance was expected. However, there was no environmental complaint received in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation.

- (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), Home Affairs Department; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of three years based on the assessments set out in paragraph 12 of the Paper which were summarised below:
 - (i) the application was generally in line with the TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “Undetermined” (“U”) zone, i.e. Category 1 areas under TPB PG-No. 13E, that had been approved with conditions. Although the site was zoned “U” on the OZP, the area was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, the site was connected to Shan Ha Road instead of Kung Um Road and the Commissioner for Transport (C for T) had no adverse comment on the application. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area;
 - (ii) the development was not incompatible with the surrounding areas which were mixed with open storage yards and vehicle parks. Although DAFC had reservation on the application in view of the site's high potential for agricultural rehabilitation, the area was generally intended for open storage use and the vegetation on the site had already been cleared with the site formed. Chief Town Planner/Urban Design & Landscape of Planning Department (CTP/UD&L, PlanD) did not anticipate any significant adverse landscape impact on the area arising from the use;

- (iii) while DEP did not support the application as there were sensitive receivers of residential uses along the access track leading from Shan Ha Road to the site, there was no residential dwelling in the immediate surroundings of the site other than the main village cluster of Lam Hau Tsuen which was located about 80m to its northwest. Although there were 12 Small House applications on the sites to the northwest in the “Village Type Development” (“V”) zone being processed by District Lands Officer/Yuen Long of Lands Department (DLO/YL, LandsD), these applications might not be approved in the near future according to DLO/YL, LandsD. Besides, there had not been any environmental complaint in the past 3 years. As the applicant proposed not to operate the site during night time between 11:00 p.m. and 8:00 a.m. (same as the restrictions imposed for the temporary open storage yards approved under the previous Applications No. A/YL-TYST/458, 514 and 516), not to carry out workshop activities on the site and not to use heavy vehicles exceeding 24 tonnes for transportation of goods, it was expected that the proposed development would not generate significant environmental impact on the surrounding areas. To address possible concern on the environmental impact, approval conditions restricting the operation hours, prohibiting parking/storage of heavy goods vehicle and container tractor/trailer and prohibiting workshop activities were recommended. 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 follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact;
- (iv) other than DAFC and DEP, government departments consulted generally had no adverse comment on the application. Relevant approval conditions were also recommended to require the

submission and implementation of tree preservation, drainage and FSI proposals to address the latest technical requirements of CTP/UD&L of PlanD, Chief Engineer/Mainland North of Drainage Services Department and the Director of Fire Services;

- (v) there was no local objection against the application.

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 21.10.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays was allowed on the application site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked/stored on or to enter/exit the application site at any time during the planning approval period;
- (d) no dismantling, repairing, paint-spraying, cleaning or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the submission of tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.4.2012;

- (f) in relation to (e) above, the implementation of tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.7.2012;
- (g) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.4.2012;
- (h) in relation to (g) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.7.2012;
- (i) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.4.2012;
- (j) in relation to (i) 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 21.7.2012;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

93. The Committee also agreed to advise the applicant of the following :
- (a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
 - (b) to note the comments of District Lands Officer/Yuen Long, Lands Department (LandsD) that, while applications for Short Term Waiver (STW) and Short Term Tenancy (STT) at Lot 2693 in D.D. 120 and the adjoining government land within the site had been received, the lot owners would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Shan Ha Road. His office did not provide maintenance works for this track nor guaranteed right-of-way;
 - (c) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
 - (d) to note the comments of Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the application site and Shan Ha Road;
 - (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental

nuisances;

- (f) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that replacement planting should be carried out if trees were found dead or damaged on-site. Moreover, the area within 600mm radii of tree trunks should be kept clear of all debris and stored materials;
- (g) to note the comments of Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (h) to note the comments of the Director of Fire Services that fire extinguisher(s) should be provided to the converted container and the open shed. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. Should the applicant wish to apply for exemption from the provision of certain fire service installations as required, the applicant should provide justifications to his Department for consideration;
- (i) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized building works/structures should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). An Authorized Person must be appointed to coordinate all building works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 27

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/553 Proposed Temporary Eating Place
(Outside Seating Accommodation of a Licensed Restaurant)
for a Period of 5 Years 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/553)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary eating place (outside seating accommodation of a licensed restaurant) for a period of 5 years;

- (c) departmental comments – the Commissioner for Transport (C for T) advised that the remaining clear width of the footpath after the outside seating accommodation's (OSA) occupation on the public footpath should be 3.5 at minimum, in view of the potential large surge of pedestrians threat, especially during lunch time where students from the nearby school passed through that road section. In view of the clear width of that section of the footpath for pedestrian passage was less than 3.5 m, he did not support the application. The Director of Food and Environmental Hygiene (DFEH) had reservation on the OSA proposal as he was aware that there were local concerns on the potential hygiene problem, greasy smoke nuisance, smoking problem, noise nuisance, inconvenience to nearby residents and obstruction to the pedestrians;

- (d) during the first three weeks of the statutory public inspection period, ten public comments mainly from the residents of Treasure Court were received raising objections to the application for reasons of narrowing the width of the existing footpath outside the restaurant (in particular given that there was a long planter immediately outside the restaurant), occupation of government land/public space for private use, impact on pedestrian safety, creation of environmental hygiene problem, noise nuisance and worsening of public security. A commenter also complained about the heat, noise and glare problems caused by the cooling equipment and lighting of the subject restaurant on the nearby residents; 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 which were summarised below:
 - (i) the site was a piece of government land on an existing footpath about 4.7m in width. The space of the footpath was confined by the existence of a long planter outside the frontage of the subject restaurant. When the proposed OSA of the restaurant (14.385m (L) x 1.4m (W)) was set up, the width of the footpath would be

narrowed to about 3.3m, affecting the pedestrian environment currently enjoyed by the public. In the absence of any table and seating arrangement for the OSA, it was also difficult to ascertain whether the proposal would be prone to further encroachment onto the remaining 3.3m footpath. In view of the potential large surge of pedestrians at that section of the footpath, especially during lunch time when the students from school nearby were passing by, C for T did not support the application as the clear width of the footpath after the OSA's occupation would be less than the minimum requirement of 3.5m;

- (ii) DFEH also had reservation on the OSA proposal as he was aware of the local concerns on the potential hygienic problem, greasy smoke nuisance, smoking problem, noise nuisance, inconvenience to nearby residents and obstruction to the pedestrians caused by the proposal. There was no information in the submission to demonstrate how the potential environmental hygiene nuisance would be mitigated by the applicant; and
- (iii) there were strong local objections to the application mainly on the grounds of narrowing the width of the existing footpath outside the restaurant, occupation of government land/public space for private use, impact on pedestrian safety, creation of environmental hygiene problem, noise nuisance and worsening of public security.

95. In response to a Member's query regarding the remaining clear width of the footpath, Mr. T. K. Choi said that his department would not object to the proposal if a minimum of 3.5 m clear width of the footpath was maintained after the OSA's occupation. However, how to enforce the provision of a clear width of 3.5 m would be a problem. The Chairman noted that there were strong local objection to the application on environmental and hygiene grounds. Another Member added that residents in the surrounding areas had hygienic concerns regarding the application and several other issues needed to be resolved.

Deliberation Session

96. 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 would reduce the width of the existing footpath and the applicant had not demonstrated that the pedestrian environment currently enjoyed by the public in that location would not be adversely affected; and
- (b) the applicant failed to demonstrate in the submission how the potential environmental hygiene nuisance of the proposed development would be mitigated.

[The Chairman thanked Mr. Ernest C.M. Fung, Mrs. Deborah P.C. Chan, Mr. K.C. Kan and Mr. Kepler S.Y. Yuen, STP/TMYL, for their attendance to answer Members' enquires. Mr. Fung, Mrs. Chan, Mr. Kan and Mr. Yuen left the meeting at this point.]

Agenda Item 28

Any Other Business

97. There being no other business, the meeting closed at 4:00 p.m..