

TOWN PLANNING BOARD

Minutes of 467th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 15.6.2012

Present

Director of Planning
Mr. Jimmy C.F. Leung

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Mr. Rock C.N. Chen

Dr. C.P. Lau

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ir. Janice W.M. Lai

Ms. Christina M. Lee

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

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

Principal Environmental Protection Officer (Strategic Assessment),
Environmental Protection Department
Mr. Victor W.T. Yeung

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

Deputy Director of Planning/District (Atg.)
Mr. T.K. Lee

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Dr. W.K. Lo

Mr. H.F. Leung

Ir. Dr. Wilton W.T. Fok

In Attendance

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

Chief Town Planner/Town Planning Board
Ms. Maggie Chin

Town Planner/Town Planning Board
Ms. Cindy K.F. Wong

Agenda Item 1

Confirmation of the Draft Minutes of the 466th RNTPC Meeting held on 1.6.2012

[Open Meeting]

1. The draft minutes of the 466th RNTPC meeting held on 1.6.2012 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/NE-MUP/1 Application for Amendment to the Approved Man Uk Pin
Outline Zoning Plan No. S/NE-MUP/11 from “Agriculture” to
“Village Type Development”, Lot 97 (Part) in D.D. 46,
Tai Tong Wu, Sha Tau Kok, Fanling
(RNTPC Paper No. Y/NE-MUP/1)

Presentation and Question Sessions

3. Ms. Jacinta Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and the following applicant and his representative were also invited to the meeting at this point :

Mr. Tang Sui Ching - Applicant

Mr. Pang Hing Yeun - Applicant's representative

4. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Ms. Jacinta Woo to brief Members on the background of the application. With the aid of a powerpoint presentation, Ms. Woo did so as detailed in the Paper and made the following main points :

Background

(a) the applicant proposed to rezone the site (about 3,213m²) from "Agriculture" ("AGR") to "Village Type Development" ("V") on the approved Man Uk Pin Outline Zoning Plan No. S/NE-MUP/11 for development of 11 Small Houses, each with a gross floor area of 195.09m² and building height of 8.23m. The site was located outside village 'environs' ('VE') of Tai Tong Wu Village;

Departmental Comments

(b) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:

- (i) the Director of Environmental Protection (DEP) advised that there was no existing public sewerage system serving the site. Although there was planned sewer under the project "North District Sewerage Stage 3 Package ND1", there was no firm implementation programme. The proposed 11 Small Houses fell within the Deep Bay Catchment and might cause adverse water quality impact to the Deep Bay Catchment. Unless the applicant could demonstrate that the proposed development would not bring about adverse water quality impact and increase the pollution loads to Deep Bay, he did not support the rezoning proposal;
- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural life in the vicinity of the site was active and the site had high potential for agricultural

rehabilitation;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. Although the proposed rezoning was not incompatible with the surrounding landscape character, the small pond within the site would be filled for the site formation works of the small houses. There was no access to the site and access road for the construction works was required. The landscape impact incurred by the access road could not be ascertained. The applicant had not submitted any landscape proposal. Approval of the application would encourage the spread of village development, the quality of landscape character of the area would deteriorate;
- (iv) the Commissioner for Transport (C for T) had reservation on the application. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside “V” zone, if permitted, would set undesirable precedent for similar applications. The resulting cumulative adverse traffic impact could be substantial. However, the subject application only involved 11 Small Houses. He considered that the application could be tolerated unless it was rejected on other grounds; and
- (v) the District Lands Officer/North, Lands Department (DLO/N, LandsD) advised that the total number of outstanding Small House applications for Tai Tong Wu Village was 21 while the 10-year Small House demand forecast for the same village was 180. Planning Department estimated that about 1.542 ha of land were available within the “V” zone of this village which was equivalent to 61 Small House sites. Although there was insufficient land to meet the Small House demand of the village (about 5.025 ha or equivalent to 201 Small House sites), in the long run, there were still land currently available within the “V” zone;

Public Views

- (c) the District Officer/North advised that the village representatives of Tai Tong Wu supported the application because the site could no longer be used for cultivation. The Chairman of Sha Tau Kok District Rural Committee and incumbent District Council Member had not comment on the application;

- (d) three public comments were received during the statutory publication period. The North District Councillor supported the application. The other two comments were from World Wide Fund – Hong Kong and Kadoorie Farm & Botanic Garden Corporation. Both of them requested the Board to reject the application on the grounds that trees and vegetation at the subject area would be adversely affected; some active agricultural land were found adjacent to the site; the proposed rezoning was not in line with the planning intention of the “AGR” zone and there was no justification for a departure from the planning intention; and there was still enough land for development within the “V” zone; and

Planning Department’s views

- (e) the PlanD did not support the rezoning application for reasons as detailed in paragraph 10 of the Paper and were summarised below:
 - (i) the application site was located in an area of rural landscape character with mainly agricultural land in the vicinity. It was outside the ‘VE’ of the Tai Tong Wu Village. The planning intention of “AGR” zone was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There were still some agricultural activities in the vicinity. As such, the existing “AGR” zoning for the site was considered appropriate;

 - (ii) the application site was separated from the existing village cluster by large stretch of active/fallow agricultural land within the “Village

Type Development” zone. Although there was insufficient land to meet the Small House demand of the village in the long run, there were still land currently available within the “V” zone of Tai Tong Wu and it was more appropriate to concentrate Small House development close to the existing village cluster. Land was still available within the ‘VE’ of Tai Tong Wu Village where Small House development might be permitted on application;

- (iii) there was no existing public sewerage system serving the area. The proposed development fell within the Deep Bay Catchment and might cause adverse water quality impact to the Deep Bay Catchment. The applicant had failed to demonstrate that the proposed development would not bring about adverse water quality impact and increase the pollution loads to Deep Bay;
- (iv) as there was no existing vehicular access serving the site, the construction of access road to facilitate Small House development might adversely affect the landscape of the area; and
- (v) approval of the application would set an undesirable precedent for other similar applications. The cumulative impact of which would lead to further loss of agricultural land, adverse traffic impact on the surrounding area and adverse water quality impact on Deep Bay.

5. The Chairman then invited the applicant’s representative to elaborate on the application. Mr. Pang Hing Yeun made the following main points:

- (a) as the site was located close to the work limits of ‘Liantang/Heung Yuen Wai Boundary Control Point and Associated Works’, a vehicular access should have been planned to serve the area. In the meantime, the applicant could make use of the existing local track for the construction works. The proposed development would not have any significant environmental impact;

- (b) there was no tree on the site and no tree felling would be required for the proposed development. With the use of photos, he illustrated that the pond within the site which was previously built for washing purpose was very small. Filling of the small pond would not have any adverse impact on the environment;
- (c) the number of outstanding Small House application and the 10-year Small House demand for Tai Tong Wu was 21 and 180 respectively and the land available in the “V” zone could not fully meet the demand. Besides, part of the land in Tai Tong Wu Village were owned by Loi Tung villagers or developers, there was insufficient land for Small House development for Tai Tong Wu villagers;
- (d) the water supply for irrigation for the area, including the lots under application, had been cut off by the developments and government project in the surrounding areas. The agricultural lands in the area had been abandoned for years. Furthermore, the site was far away from Deep Bay; and
- (e) the applicant undertook to conduct the sewerage and sewage impact assessments and landscape impact assessment to minimize the possible environmental impact. If a vehicular assess was required for the proposed development, the applicant would take up the responsibility to construct and maintain the concerned access at his own cost.

6. In response to the Chairman’s queries, with the use of a plan showing the project profile for ‘Liantang/Heung Yuen Wai Boundary Control Point (BCP) and Associated Works’, Ms. Jacinta Woo explained that although the connecting road of the BCP, either at grade or in the form of tunnel, would not encroach onto the site, the works limit was very close to the site.

7. As the applicant and the applicant’s representative had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedures for the application had been completed and the Committee would

deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant and the applicant's representative and the PlanD's representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

[Professor K. C. Chau arrived to join the meeting at this point.]

8. Noting the comments of government departments on the application and the justifications raised by the applicant, Members generally considered that the application should not be approved.

9. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the application site was separated from the existing village cluster by large stretch of active/fallow agricultural land within the "Village Type Development" zone where undeveloped land reserved for Small House development was available. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services;
- (b) land was still available within the village 'environs' of Tai Tong Wu Village where Small House development might be permitted on application;
- (c) the proposed development fell within the Deep Bay Catchment and might cause adverse water quality impact to the Deep Bay Catchment. The applicant had failed to demonstrate that the proposed development would not bring about adverse water quality impact and increase the pollution loads to Deep Bay;

- (d) the applicant had failed to demonstrate that there would be no adverse impact on the landscape character of the area which might be caused by the construction of an access road; and
- (e) the approval of the application would set an undesirable precedent for other similar applications in the area. The cumulative impact of which would lead to further loss of agricultural land, adverse traffic impact on the surrounding area and adverse water quality impact on Deep Bay.

Tuen Mun and Yuen Long District

Agenda Item 4

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/YL-LFS/1 Application for Amendment to the Approved Lau Fau Shan & Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7 from “Recreation” to “Government, Institution or Community”, Lots 1965 (Part), 1966 S.A (Part), 1966 RP, 1968 (Part), 1969, 1970, 1973 (Part), 1974 (Part), 1975 RP (Part), 1976 S.B (Part), 1976 RP (Part), 1977 S.B (Part) and 1977 RP (Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long
(RNTPC Paper No. Y/YL-LFS/1)

Presentation and Question Sessions

10. Mr. Ernest Fung, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and the following applicant’s representatives were invited to the meeting at this point :

Mr. Wong Yiu Wing

Mr. Man Kim Fai
Mr. Albert So
Mr. Kevin Wong
Mr. Samuel Lee
Mr. Cliff Tong

11. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mr. Ernest Fung to brief Members on the background of the application. With the aid of a powerpoint presentation, Mr. Fung did so as detailed in the Paper and made the following main points :

Background

- (a) the applicant proposed to rezone the site from “Recreation” (“REC”) to “Government, Institution or Community” (“G/IC”) on the Lau Fau Shan and Tsim Bei Tsui Outline Zoning Plan No. S/YL-LFS/7 for a columbarium development with 5,000 niches. According to the Notes of “G/IC” zone, columbarium was a Column 2 use which might be permitted with or without conditions on application to the Board;
- (b) the site was accessible from Deep Bay Road via a short local track. The ingress/egress is located at the northwestern corner of the site. One parking space for heavy goods vehicle, 6 parking spaces for private cars, 2 shuttle bus lay-bys and a turnaround facility were proposed at the central and southern parts of the site. According to the applicant, pick-up/drop-off and car parking facilities near the Lau Fau Shan roundabout would be provided to accommodate at least 160 car parking spaces and provide enough loading/unloading capacity for at least 6 minibuses. The applicant also proposed several traffic management measures including the provision of park-and-ride and shuttle bus services, membership and visit-by-appointment schemes to address the traffic issue during the festivals;
- (c) the applicant advised that the existing eco-furnace on-site would be demolished, and that eco-furnaces would not be installed at the site until

further licensing system or environmental standard for eco-furnaces was set up by the relevant government departments. The applicant had not submitted any landscaping proposal and drainage proposal;

- (d) the site, together with the adjoining areas to its south and southwest (used as administrative office and toilet of the subject columbarium), was subject to enforcement action against an unauthorized development (UD) involving columbarium use. Enforcement Notice (EN) was issued in July 2010 requiring the discontinuance of the UD. According to the site inspection in January 2011, the UD had not been discontinued. A trial review was scheduled for 11.7.2012;

Departmental Comments

- (e) the departmental comments were detailed in paragraph 9 of the Paper and highlighted below:
 - (i) the Secretary for Food and Health (S for FH) generally supported regularization initiatives by existing private columbaria prior to the introduction of a licensing scheme. For this application, he considered that plan should be devised to address traffic congestion during the grave-sweeping seasons. To address local concerns over the development, consideration could be given to require the applicant to implement mitigation measures;
 - (ii) the Commissioner for Transport (C for T) advised that the development should have sufficient parking and loading/unloading facilities, together with the necessary turning facilities within the site, instead of relying on the proposed public carpark at the Lau Fau Shan Roundabout which could not be guaranteed for parking permanently by the applicant. A detailed assessment on the provision of such parking and loading/unloading facilities should be included in the application. The applicant had assumed full closure of the village track with special traffic arrangement during special days. Since the village track was serving different lots in the area

and not managed by the Transport Department (TD), agreement from the locals should be sought and the relevant party to implement the special traffic arrangement should be identified prior to the approval of the subject application. Besides, it should not be assumed that the proposed shuttle bus service would be approved automatically. Furthermore, it was considered that approving such similar applications would induce cumulative adverse traffic impact on the nearby road network;

- (iii) the Commissioner of Police (C of P) had reservation on the applicant's proposal of leasing a few plots of land from nearby landlords as parking facility for visitors of the columbarium as the tenancy agreement was for 5 years only. There was also no alternative plan if the landlord decided to terminate the agreement;
- (iv) the Director of Environmental Protection (DEP) did not support the application as the nearby sensitive receivers would likely be affected by the environmental nuisance generated by the columbarium. Although the applicant agreed that eco-furnace would not be installed until further licensing system or environmental standard for eco-furnaces was set up, the applicant had not ruled out the possibility that sensitive receivers nearby would be subject to nuisance arising from the columbarium; and
- (v) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The development was not compatible with the planned landscape environment and the planned recreational uses in the surrounding areas. Approval of the application would allow the incompatible development within the "REC" zone, thereby affecting its overall integrity. Besides, it would also become a precedent case for more incompatible development/similar applications in the "REC" zone and further reduce the recreation area in the vicinity.

Public Views

- (f) The District Officer (Yuen Long) received 7 objections to the application from the locals:
- (i) the Village Representatives (VRs) and a group of 6 villagers of Mong Tseng Wai submitted a letter objecting to the application mainly on the grounds that the area was in acute shortage of recreation land, and that the rezoning would seriously worsen the traffic conditions of Deep Bay Road. They urged the Government to clear/enforce the unauthorized building works/columbarium on site;
 - (ii) the VRs of Mong Tseng Wai, a group of 28 and another group of 9 villagers of Mong Tseng Wai submitted three letters objecting to the application as there was already another columbarium in the vicinity. Approval of an additional columbarium would create adverse traffic impact especially during the festive days;
 - (iii) two residents of the adjoining lots raise their objections on the grounds of air and environmental pollution impacts; and
 - (iv) a private individual submitted a letter stating that one of the owners of the lots included in the site was disputing its inclusion and had taken legal action to recover the land;
- (g) a total of 84 public comments were received objecting to the application during the statutory publication period. Their major views were summarized as follows:

Land Dispute and Land Value

- (i) parts of Lots No. 1976 S.B and 1976 RP in D.D. 129 had been included in the application site without the owners' consent. The land value of neighbouring lots would be adversely affected;

Landuse Compatibility

- (ii) the columbarium, which was an unwelcomed neighbor, was incompatible with the nearby residential use. The columbarium had affected the tranquil neighbourhood and the living environment of the nearby residents;

Planning Intention and Shortage of Recreation Land

- (iii) the columbarium was not in line with the planning intention of the “REC” zone. The area was in acute shortage of recreation land. The “REC” zone was an important green buffer for the public to enjoy the tranquil rural area. The function of the “REC” zone would be affected by the high pedestrian flow and the commercial operation. It was the Board’s intention to develop the area for recreational use as witnessed by previous rejection of various temporary uses within the zone;

Traffic, Environmental, Ecological and Fung Shui Impacts

- (iv) the intensity of the development was excessive. The road network of the Lau Fau Shan area was unable to support the traffic generated by the development during the festival days. Pedestrian and vehicular traffic of the development would generate adverse environmental impacts. Incense burning at the columbarium would adversely affect the environment and cause nuisance. The traffic impact assessment and environmental assessment submitted by the applicant were not comprehensive. The columbarium would also have adverse fung shui impact;

Undesirable Precedent Effect

- (v) carrying out unauthorized operation before applying for approval was against the spirit of law. Approval of the application would have a precedent effect in encouraging more similar unlawful fait accompli operations. A clean Government should enforce and re-enter all the unauthorized columbaria for re-planning. The columbarium was a ‘develop first, apply later’ development and the approval of the application would promote the ‘destroy first, develop later’ attitude among landowners. Approval of the application would pre-empt the

outcome of the Government's review of columbarium policy, and undermine future legislative control on private columbaria;

Demand and Supply of Columbarium

- (vi) there was no need for an additional columbarium as there was already a monastery cum columbarium in the vicinity. There was no guarantee that the operator would not sell more niches after obtaining planning approval; and

Delay Tactic and Law-despising Attitude of the Operator

- (vii) the operator of the unauthorized columbarium despised the law and continued to sell the niches even upon expiry of the Enforcement Notice issued by the Planning Authority. The applicant was exploiting the planning application system, including requesting for deferment and repeatedly submitting further information. The Administration should enforce the unauthorized building works as soon as possible. The columbarium violated the regulations regarding NTEHs and land policy in respect of occupation of government land;

Planning Department's views

- (h) PlanD did not support the application for the reasons stated in paragraph 11 of the Paper and were summarized as follows:
 - (i) the columbarium development was located in the midst of the "REC" zone which was primarily for recreational developments for the use of the general public. The application sought to regularize the existing unauthorized columbarium on-site, which had already been in operation. The columbarium development was not totally compatible with the setting of the area. The applicant had not provided strong planning justification for the proposed development;
 - (ii) the columbarium development would pose adverse traffic impact on the surrounding road network. The site was accessed via Deep Bay Road which was a substandard single-lane carriageway for 2-way

traffic. The applicant had proposed full closure of the village tracks and various traffic management measures including the provision of park-and-ride facilities at the Lau Fau Shan Roundabout and shuttle bus services, membership and visit-by-appointment schemes to address the traffic issue during the festive days and the shadow periods (1 week before and after Ching Ming and Chung Yeung Festivals). The applicant failed to demonstrate that the adverse traffic impacts created by the development could be satisfactorily addressed;

- (iii) the applicant failed to address departmental concerns on the landscape impacts and environmental nuisance on the surrounding areas. The CTP/UD&L, PlanD had reservation on the application as the columbarium development was not compatible with the planned landscape environment and the planned recreational uses in the surrounding area. The DEP was concerned that nearby sensitive receivers, particularly the resident dwellings to the immediate north of the site, would be affected by the environmental nuisance generated by the development;
- (iv) the applicant advised that the number of niches under application would not exceed 5,000, but there were currently some 12,028 niches (119 sold and occupied, 947 sold but not yet occupied as at 5.6.2012) on-site. The applicant had not clarified how to deal with the remaining 7,000 niches currently existing but not covered by the application; and
- (v) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect of approving such similar applications would result in a general degradation of the traffic and environmental conditions and landscape character of the area.

12. The Chairman then invited the applicant's representatives to elaborate on the

application. Mr. Wong Yiu Wing made the following main points:

- (a) the site was suitable for columbarium development as there was no village settlement in the vicinity. The nearest resident dwellings were about 200m to 300m away. There were some open storage uses adjacent to the site but they were temporary in nature and most of them were unauthorised uses. There was also some fallow agricultural land nearby. The burial ground for the indigenous villagers was located further away on the uphill area; and
- (b) Deep Bay Road was a substandard single-lane carriageway of 5-6m wide for 2-way traffic. During Ching Ming and Chung Yeung Festivals, the C of P would arrange special traffic management measures to address the traffic generated by Wan Fau Sin Koon. According to his experience, traffic problem only occurred in the mornings of Ching Ming and the Chung Yeung Festivals and the traffic condition would quickly return to normal in the afternoons. In the ordinary period, there would not be too many vehicles using Deep Bay Road except the vehicles to serve the adjacent open storage sites.

13. Mr. Samuel Lee, the traffic consultant of applicant, made the following main points:

- (a) according to the traffic impact assessment conducted for the proposed columbarium development, there would only be about 570 vehicles using Deep Bay Road during the peak hours by the design year of 2016 (without the subject columbarium). The applicant would provide shuttle bus (24-seater shuttle bus) services to enhance the effective use of the road. It was anticipated that with the provision of shuttle bus services, the subject columbarium development would generate less than 30 vehicles trips during the peak hour, that was less than 10% of the total amount of vehicle trips at the peak hours. However, the columbarium development would not create significant traffic impact to the area; and

- (b) based on his on-site observation, Deep Bay Road was subject to traffic congestion during the Ching Ming and Chung Yeung Festivals and most of the vehicular traffic was generated by the Wan Fau Sin Koon. It was because the Wan Fau Sin Koon had not adopted any traffic management measures. To address the possible traffic problem, the applicant of the subject application would provide shuttle bus services for all visitors based on visit-by-appointment arrangement. This measure would improve the traffic performance of Deep Bay Road.

14. Mr. Albert So made the following main points:

- (a) the subject s.12A application was to rezone the site from “REC” to “G/IC” with columbarium as a column 2 use. If approved, the applicant would have to submit a detailed development proposal under s. 16 for the Committee’s consideration. The concerns raised by relevant government departments would then be addressed and technical assessments including traffic impact assessment would be prepared. All the technical concerns would be properly addressed at the s.16 planning application stage;
- (b) the applicant had taken the initiative to reduce the number of niches from 10,000 to 5,000 to address the departmental and public concerns; and
- (c) the applicant would demolish the existing eco-furnace on-site, and no eco-furnace would be installed at the site until further licensing system or environmental standard for eco-furnaces was formulated by the relevant government departments. Unacceptable environmental impact was not expected as no incense burning would be allowed until an approved eco-furnace was installed. The relevant concerns raised by the public and government departments had been addressed.

15. Noting that there were strong local objections against the application, a Member asked whether the applicant had liaised with the objectors to ease their concerns. Mr. Wong Yiu Wing explained that he did not know who the objectors were and was not clear about their concerns. However, he would address their concerns at the s.16 planning application

stage.

16. A Member asked whether the applicant had any strong planning justification to rezone the site at the midst of the “REC” zone for columbarium use. Mr. Albert So said that the site could no longer be used for recreational uses as three Small Houses had already been built thereon. Consideration should be given to use the application site for columbarium use so as to meet the genuine need and growing demand for niches.

17. In response to a Member’s query, Mr. K. C. Siu advised that there was yet any programme to upgrade or widen the existing substandard Deep Bay Road.

18. In response to a Member’s query, Mr. Wong Yiu Wing said that Wan Fau Sin Koon was a temple with columbarium use. The Chairman asked about the number of niches provided in the Wan Fau Sin Koon and whether they were fully occupied. Mr. Ernest Fung referred to paragraph 6.3 of the Paper and said that on 3.8.2001, the Committee approved the application No. A/YL-LFS/54 for the development of about 2,000 niches (1,000 for 2-place niches and 1,000 for 4-place niches) to be provided in three new columbarium buildings within the Wan Fau Sin Koon. The total number of niches under the application was about 6,000 niche places. The building plan for the columbarium buildings in Wan Fau Sin Koon had been approved and the buildings were under construction. The niches provided therein had not yet been fully occupied. In response to a Member’s query, Mr. Fung stated that no traffic mitigation measures had been proposed in the application.

19. A Member noted that the applicant proposed to provide pick-up/ drop-off and car parking facilities at a site near the Lau Fau Shan Roundabout, this Member asked whether the applicant had any contingency plan if the landowner refused to let the applicant to use the piece of land for such use. Mr. Wong Yiu Wing replied that the concerned site at Lau Fau Shan Roundabout was a piece of fallow agriculture land. The landowners were willing to rent their land to the applicant for parking purpose as they would have stable income. In fact, many fallow agricultural land in Lau Fau Shan had been used for temporary open storage yards.

20. As the applicant’s representatives had no further points to raise and there was no further question from Members, the Chairman informed them that the hearing procedures for

the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and the PlanD's representative for attending the hearing. They all left the meeting at this point.

Deliberation Session

21. In response to a Member's query on whether the columbarium use at the site was an UD, the Chairman replied that as stated in paragraph 4 of the Paper, the site, together with the adjoining areas, was subject to enforcement action undertaken by the Planning Authority against an UD involving columbarium use. Enforcement Notice was issued in July 2010 requiring the discontinuance of the UD. As the UD had not been discontinued, a trial review was scheduled on 11.7.2012.

22. A Member considered that, the adverse traffic impact of the development was a concern, but the applicant could not demonstrate that the proposed traffic management measures, in particular the pick-up/ drop-off and parking facilities at the Lau Fau Shan Roundabout was implementable. Furthermore, the applied use was an UD and approving the application would set an undesirable precedent. Another Member also doubted the implementability of the traffic management measures and pointed out that there was no guarantee that the visitor would use the shuttle bus and park-and-ride services as proposed by the applicant. Besides, there were still niches available in Wan Fau Sin Koon. There were also strong local objections but the applicant had not demonstrated whether he had made effort to address the concerns of the local community. This Member considered that the application should be rejected.

23. The Chairman said that the subject site was at the midst of the "REC" zone and the approval of the application might jeopardise the planning intention of the "REC" zone as a whole. The technical concerns such as the adverse traffic impact should also be taken into account in considering the application. Other Members concurred with the Chairman's view.

24. After further deliberation, the Committee decided not to agree to the application. Members then went through the reasons as stated in paragraph 12.1 of the Paper and

considered that they were appropriate. The reasons were :

- (a) the columbarium development was located in the midst of the “Recreation” zone which was primarily for recreational developments for the use of the general public. There was no strong planning justification for the development at the subject site;
- (b) the columbarium development, with 5,000 niches, would pose traffic impact on the surrounding road network. There was doubt on the implementability of the traffic management measures proposed by the applicant, and the applicant failed to demonstrate that the adverse traffic impacts created by the development could be satisfactorily addressed;
- (c) the applicant failed to address departmental concerns on the landscape impacts and environmental nuisance on the surrounding areas arising from the development; and
- (d) the approval of the rezoning proposal would set an undesirable precedent for other similar rezoning applications in the area. The cumulative effect of approving such similar applications would result in a general degradation of the traffic and environmental conditions and landscape character of the area.

Agenda Item 5

Section 12A Application

[Open Meeting]

Y/TM-LTY Y/4

Application for Amendment to the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTY Y/6 from “Residential (Group C)”, “Residential (Group D)” and “Government, Institution or Community” to “Residential (Group C) 1” with a Maximum Gross Floor Area of 3,986 m² and Maximum Building Height of 4 Storeys (14 m) excluding Basement Car Park and “Government, Institution or Community”, Lots 809 RP, 810, 811, 1132, 1133, 1134, 1135 S.A RP, 1135 S.B RP, 1141 RP, 1142 S.A RP, 1143 RP and 1147 RP in D.D. 130 and adjoining Government Land, Fuk Hang Tsuen Road, Lam Tei, Tuen Mun
(RNTPC Paper No. Y/TM-LTY Y/4A)

25. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Company Limited (Henderson). Ir. Janice Lai and Mr. Ivan Fu had declared interests in this item as they had current business dealings with Henderson. Mr. Ivan Fu said that apart from Henderson, he also had current business dealings with MVA Hong Kong Limited, one of the consultants of the applicant. Member agreed that Ir. Janice Lai and Mr. Ivan Fu’s interests were direct and should left the meeting.

[Ir. Janice Lai left the meeting temporarily and Mr. Ivan Fu left the meeting at this point.]

26. The Secretary said that upon the issue of the relevant Paper of the subject application, on 14.6.2012, the applicant submitted a request to defer consideration of the application for two months. The applicant’s representative had been invited to explain to the Committee the reasons for asking for deferred consideration of the application. If the Committee agreed to defer the application, the application would be submitted to the Committee for consideration three months upon receipt of the further information. However, if the Committee did not agree to the deferment, the Committee would proceed with the consideration of the application at this meeting as originally scheduled.

27. Mr. K. C. Kan, Senior Town Planner/Tuen Mun and Yuen Long (STP/TMYL), and the following applicant's representatives were invited to the meeting at this point :

Ms. Ho Siu Fong

Mr. Cheng Pui Kan

Mr. Alan Pun

Mr. Wong Chi Weng, Lawrence

Dr. Westwood Hong

Ms. Ada Wong

28. The Chairman extended a welcome and invited Ms. Ho Siu Fong to explain the reasons for the proposed deferment.

29. Ms. Ho Siu Fong said that in view of the latest advice that the primary school originally reserved in the application site was no longer required by the Secretary for Education, the applicant needed to reconsider the departmental concerns and provide more comprehensive responses. Therefore, the applicant requested the Committee to defer consideration of the application for two months so as to allow time for the applicant to prepare further information to address departmental comments.

30. As the applicant's representatives had no further comment to make and Members had no further question to raise, the Chairman informed the applicant's representatives that the Committee would deliberate the request for deferment in their absence and inform the applicant's representatives of the Committee's decision in due course. The representatives of the applicant and the PlanD left the meeting at this point.

31. Although this was the second deferment submitted by the applicant, Members considered that the request for deferment could be allowed as it was supported by good reasons. Members also considered that the request for deferment met the criteria as set out in the Town Planning Board Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications (TPB PG-No.33) in that more time was required to investigate the matter, the deferment period was not indefinite, and that the deferment would not affect interest of other relevant parties. After further deliberation, Members agreed that the deferment request should be acceded to.

Notification of Decision

32. The Chairman invited the applicant's representatives to return to the meeting. The Chairman informed them that 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 as this was the second deferment and no further deferment would be granted unless under very special circumstances.

33. The Chairman thanked the representatives of the applicant and the PlanD for attending the meeting. Then, they all left the meeting at this point.

[Ir. Janice Lai returned to join the meeting at this point.]

Sai Kung and Islands District

[Miss Erica S.M. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/13 Proposed Public Utility Installation (Radio Base Station) in "Green Belt" zone, Government land at Sin Yan Tseng, Cheung Chau
(RNTPC Paper No. A/I-CC/13)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (radio base station);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) three public comments was received during the statutory publication periods. The Designing Hong Kong Limited raised concerns about how trees would be protected and managed during and after the construction period. Two public comments were received from members of the public. One commenter had no objection to the proposed development and another commenter supported the proposed radio base station as it would improve the weak telecommunication signal at Nga Ning Court and Sin Yan Tseng of Cheung Chau; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. As for the public comment about the possible impact on trees, an approval condition to require the submission and implementation of landscape proposal was recommended. The other two public comments raising no objection to or in support of the proposed radio base station were noted.

35. Mr. K. C. Siu suggested to remind the applicant that there was no vehicular access connecting the application site. Miss. Erica Wong said that the site was accessible only by a footpath leading from the Cheung Chau Peak Road West, through the Cheung Chau Meteorological Station where entry permission was required. It was noted that Cheung Chau Peak Road West was only accessible by village vehicles.

Deliberation Session

36. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission of electromagnetic interference study and the post-installation on-site near infra-red survey and measurement report (including some typical points on the Cheung Chau Metrological Station Roof) to the satisfaction of the Director of the Hong Kong Observatory (D of HKO) or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department that he would follow up with the applicant for acquiring the site for erecting a radio base station;
- (b) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998), 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 radio base station;

- (c) to note the comments of the Commissioner for Transport that there was no vehicular access to connect the site;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department to reinstate all disturbed area outside the application site with planting matching those found in the vicinity;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that if water supply was required, due to the relatively high level of the site, the applicant might need to make use of his/her private sump and pump system to effect adequate supply to the development. The applicant should be responsible for the construction, operation and maintenance to WSD standards of any private water system for water supply to the development;
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that any site formation works associated with the development should demonstrate that the works would not affect or be affected by the adjoining or nearby slopes;
- (g) to note the comments of the Chief Building Surveyor/New Territories East(1) & Licence, Buildings Department that the site would be subject to Building (Planning) Regulations (B(P)R) 5 and 19(3) for provision of access road and determination of maximum site coverage and plot ratio by the Building Authority, if the site was not abutting on a specified street of width no less than 4.5 meters under B(P)R 18A; and
- (h) to note the comments of the D of HKO that the applicant should seek HKO's prior comments on any revision or update of their proposal afterwards. It was because any alteration of the development proposal might impose different influence to their equipment; and to note if any

adverse effect occurred in any HKO's equipment at Cheung Chau Meteorological Station, remedial measures including shut-down of the radio base station should be conducted at the costs of the applicant.

[The Chairman thanked Miss Erica S.M. Wong, STP/SKIs, for her attendance to answer Members' enquires. Miss Wong left the meeting at this point.]

Agenda Items 7 and 8

Section 16 Applications

[Open Meeting]

A/SK-TMT/35 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 122 S.B in D.D. 216, O Tau Village, Tai Mong Tsai, Sai Kung
(RNTPC Paper No. A/SK-TMT/35)

A/SK-TMT/36 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lots 160 and 161 RP in D.D. 216, O Tau Village, Tai Mong Tsai, Sai Kung
(RNTPC Paper No. A/SK-TMT/36)

38. Noting that the two planning applications, each for a Small House development in “Green Belt” zone, were similar in nature and the application sites were close to each other, Member agreed that these two applications could be considered together.

39. The Secretary reported that on 11.6.2012, the applicants' representative requested a deferment of the consideration of the two applications for two months in order to allow time for the applicants to address and resolve issues raised by concerned government departments.

40. After deliberation, the Committee decided to defer decisions on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants 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.

Sha Tin, Tai Po and North District

Agenda Item 9

Section 16 Application

[Open Meeting]

A/DPA/NE-STK/4 Proposed Public Carpark (Private Car), and Proposed Filling of Land for Agricultural Use and Public Carpark (Private Car) in “Green Belt” zone, Lot 151 S.G.ss.2 in D.D. 40, Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/4)

41. The Secretary said that on 4.5.2012, the applicant submitted the current application to seek planning permission to use the site for proposed public carpark (private car), and proposed filling of land for agricultural use and public carpark (private car) The application was scheduled for consideration by the Committee at this meeting.

42. The Secretary also said that as seen from the aerial photo taken in September 2011, the application site was originally covered by thick bushes. However, the vegetation on the application site had been cleared and the land was filled as evident from the site photos taken in May 2012. The Chief Town Planner/Central Enforcement and Prosecution, Planning Department advised that the application site might be subject to enforcement action against the unauthorized filling of land. Warning letter against the suspected unauthorized development of filling of land had been posted on the site. Collection of further evidence was underway with a view to pursuing enforcement action against the unauthorized development. The Director of Agriculture, Fisheries and Conservation also advised that according to their site inspection on 14.3.2012, there were signs of land filling and vegetation clearance within the application site and its vicinity.

43. The Secretary continued to say that on 24.6.2011, the Board, in considering the TPB Paper No. 8843 on “Proposed Measures against the “Destroy First and Build Later” Approach” agreed that any deliberate action to change the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development was not to be encouraged and that a decision on a planning application could be deferred in order to investigate the case. The application site might involve unauthorized filling of land prior to the application. Such practices contravened with the approaches announced by the Board to deter “Destroy First, Build Later” activities in July 2011. To allow more time for investigation to collect more information on the unauthorized filling of land on the site, PlanD requested that a decision on the application be deferred for two months so as to ascertain whether any unauthorized development was involved that might constitute an abuse of the planning application process.

44. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration after the investigation in two months’ time.

Agenda Item 10

Section 16 Application

[Open Meeting]

A/DPA/NE-STK/5 Proposed Temporary Public Carpark (Private Car) for a Period of 3 Years in “Agriculture” zone, Lot 174 S.B.RP (Part) in D.D. 40, Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/DPA/NE-STK/5)

45. The Secretary said that on 4.5.2012, the applicant submitted the current application to seek planning permission to use the site for the proposed temporary public carpark (private car) for a period of 3 years. The application was scheduled for consideration by the Committee at this meeting.

46. The Secretary also said that as seen from the aerial photo taken in September 2011, the application site was originally covered by thick bushes. Nevertheless, the original vegetation on the application site had been cleared and the land was filled as evident from the

site photos taken in May 2012. The Chief Town Planner/Central Enforcement and Prosecution, Planning Department advised that the application site was subject to enforcement action against the unauthorized filling of land. The Planning Authority issued an Enforcement Notice to the concerned party on 14.5.2012 requesting for the discontinuance of the unauthorized development. Enforcement action was still in progress. The Planning Authority was now assessing the site condition and might require the notice recipients to reinstate the site.

47. The Secretary continued to say that on 24.6.2011, the Board, in considering the TPB paper No. 8843 on “Proposed Measures against the “Destroy First and Build Later” Approach”, noted that as the existing state of the site, which was a relevant consideration in a planning application, might be in a state of flux, particularly where a Reinstatement Notice (RN) had been served, the Board would be entitled in such a case to take into account the state of the site after the RN had been duly complied with. The Board also agreed that where the application site was subject to enforcement action and a RN had been served, if the enforcement of the RN impinged on the physical state or “individual characteristics” of the site, the Board could take into account the state of the site as required in the RN in considering the application. Given that any act relating to “destroy first, development later” should not be encouraged and enforcement action on the site was still on-going, PlanD recommended that a decision on the application be deferred until the application site had been reinstated.

48. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month upon reinstatement.

[Ms. Jacinta K.C. Woo, District Planning Officer/Shia Tin, Tai Po and North (DPO/STN) was invited to the meeting at this point.]

Agenda Item 11

Section 16 Application

[Open Meeting]

A/FSS/209 Proposed Shop and Services and Eating Place (in Wholesale Conversion of an Existing Building only) in “Industrial” zone, No. 6 Choi Fai Street, Sheung Shui
(RNTPC Paper No. A/FSS/209)

49. The Secretary reported that Ir. Janice Lai had declared an interest in this item as she had current business dealings with one of the consultants of the applicant, namely MLA Architects (HK) Limited. Mr. Frankie Chou had also declared an interest as he had directly involved in the management of the consultant, MLA Architects (HK) Ltd, under one of Home Affairs Department consultancy agreements. Members agreed that as the interests of Ir. Lai and Mr Chou in this item were indirect and the applicant had requested for a deferment of consideration of the application, Ir. Lai and Mr. Chou could be allowed to stay at the meeting.

50. The Secretary reported that on 8.6.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Transport Department on the supplementary information submitted on 18.4.2012.

51. 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 since this was the second deferment submitted by the applicant and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 12

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/156 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 1353 S.C. in D.D. 95, Ho Sheung Heung,
Sheung Shui
(RNTPC Paper No. A/NE-KTN/156)

Presentation and Question Sessions

52. Ms. Jacinta K.C. Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

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

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

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active agricultural activities were found in the vicinity of the application site and the site had high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comment on the application;
- (d) two public comments were received during the statutory publication period. A North District Council member supported the application while the Kadoorie Farm and Botanic Garden Corporation expressed concern as the application site was close to (or even within) the area suspected to be affected by unauthorised filling works in 2009. “Destroy First, Build Later” activities should not be tolerated and the environmental history of the application site should be taken into account in considering the planning

application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 12 of the Paper. Regarding DAFC's concerns on the presence of some fish ponds adjacent to the application site, an advisory clause had been recommended to remind the applicant to take precautionary measures during the construction phase to avoid causing any adverse impact on the nearby fish ponds. As for Kadoorie Farm & Botanic Garden Corporation's concern that the application site might have been involved in unauthorised filling, the Chief Town Planner/Central Enforcement and Prosecution advised that the application site occupied part of the site of a previous enforcement case where Enforcement Notice and Reinstatement Notice were issued to the concerned landowners. Compliance Notices were issued to the concerned landowners on 8.11.2011 and 9.11.2011 subsequently. The application site was currently not involved in any active enforcement cases and he had no comment on the application.

53. Members had no question on the application.

Deliberation Session

54. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

- (c) the submission and implementation of landscape proposal 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 the Chief Engineer/Development(2), Water Supplies Department (WSD) that :
 - (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 and to 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
 - (ii) the site was located within WSD flooding pumping gathering ground;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be reminded to take precautionary measures during the construction phase to avoid causing any adverse impact on the nearby fish ponds;
- (d) 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

- (e) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and 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-KTS/323 Shop and Services (Fast Food Shop) in “Government, Institution or Community” zone, Shop No. 1, 8th Lane, Kam Tsin Village, Lot 2341 (Part) in D.D. 92 and Adjoining Government Land, Sheung Shui (RNTPC Paper No. A/NE-KTS/323)

Presentation and Question Sessions

56. Ms. Jacinta K.C. Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

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

- (b) the applied shop and services (fast food shop) use;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from a North District Council member was received

during the statutory publication period. The commenter supported the application. The District Officer (North), Home Affairs Department (DO(N), HAD) advised that the Indigenous Inhabitants Representative (IIR) of Kam Tsin supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years for reasons as detailed in paragraph 11 of the Paper. The public comment and IIR of Kam Tsin Village in support of the application were noted.

57. Members had no question on the application.

Deliberation Session

58. Noting that the Director of Agriculture, Fisheries and Conservation had concerns on the presence of an existing mature Camphor Tree in the vicinity of the site, a Member suggested to add an advisory clause reminding the applicant to avoid causing any adverse impact on the tree. Members agreed.

59. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 15.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 5:30 p.m. and 7:30 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2012;
- (c) in relation to (b) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2013;

- (d) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) if any of the above planning conditions (b) or (c) 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.

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

- (a) prior planning permission should have been obtained before commencement of development;
- (b) to resolve any land issue relating to the development with the concerned owners of the application premises;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application premises was located within the flood pumping gathering ground;
- (d) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans/ referral from licensing authority; and
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid causing any impact on the existing Camphor Tree found in the vicinity of the site.

Agenda Item 14

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/73 Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Village Type Development” zones, Lots 1876 S.A, 1876 S.E and 1888 S.A in D.D. 39, Shek Kiu Tau Village, Sha Tau Kok Road, New Territories
(RNTPC Paper No. A/NE-LK/73)

Presentation and Question Sessions

61. Ms. Jacinta K.C. Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the agricultural life in the vicinity of the application site was active and the site had high potential for rehabilitation of agricultural activities. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as part of the application site fell within the land requirement area under the ‘Feasibility Study of Review of Drainage Master Plans in Yuen Long and North District’ (the Feasibility Study) project and it was very close or even touching upon the proposed drainage channel. In this connection, the possibility of excluding that part of the application site from the land requirement of the aforesaid project should be considered. Other government departments had no objection to or adverse comment on the application;

- (d) two public comments were received during the statutory publication period. A North District Council member supported the application. The other comment from Kadoorie Farm & Botanic Garden Corporation expressed concern on the application as there was a stream adjacent to the application site. The proposed development would be detrimental to the environment and would bring an irreversible ecological disaster. Village houses should not be built close to watercourse because of the sewerage problem, ground water pollution and flooding risk resulting from cumulative impacts of septic tank and soakaway system of potential additional houses near the stream; and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 10 of the Paper. As regard the adverse comments from DAFC, it was considered that the proposed Small House development was not incompatible with the surrounding land uses which were characterized by abandoned farmland, existing and approved Small Houses. 18 similar planning applications for Small House development within the same “Agriculture” zone had been approved with conditions by the Committee. Moreover, it was anticipated that the proposed Small House development would not have significant adverse traffic, environmental and landscape impacts on the surrounding area. Regarding DSD's comments, it was noted that only a very small portion of the application site fell within the proposed land requirement area under the Feasibility Study and encroachment onto this affected area could be avoided as the footprint of the Small House development fell outside the area. To address DSD's concern, it was proposed to impose an approval condition requiring the applicants to set back the application site boundary to ensure that the proposed Small House development would not encroach onto the land requirement area of the Feasibility Study project. As regard the public comment from the Kadoorie Farm & Botanic Garden Corporation, concerned departments did not have adverse comment on the subject application from environmental and nature conservation point of view. Regarding the concern on flooding risk caused by the stream

nearby, as DSD was carrying out the 'Feasibility Study of Review of Drainage Master Plans in Yuen Long and North District' which had included the concerned stream, it was anticipated that the flooding problem could be addressed.

62. A Member noted that land was available to the south of House A, which fell within the "Village Type Development" ("V") zone. This Member asked the reasons why the applicant of the House A would not build the house within the "V" zone. Ms. Jacinta Woo replied that the applicant would choose to build house on his own lot and the land to the south might not be owned by the applicant. The Chairman said that according to paragraph 10.1 of the Paper, the land available within "V" zone could not fully meet the future Small House demand in Ma Tseuk Leng and Shek Kiu Tau Village.

Deliberation Session

63. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the setting back of the application site boundary to avoid encroaching onto the land requirement area under the 'Feasibility Study of Review of Drainage Master Plans in Yuen Long and North District' to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire-fighting access, water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of landscape proposal to the

satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection and to 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;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) 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
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be advised to adopt good site practices and precautionary measures to avoid any water pollution, particularly in terms of surface run-off/discharges, to the watercourse nearby during construction stage.

Agenda Items 15 and 16

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/463 Proposed House (New Territories Exempted House – Small House)
in “Agriculture” zone, Lot 1771 S.D in D.D. 76,
Ma Mei Ha Leng Tsui Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/463)

A/NE-LYT/464 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” zone, Lot 1771 S.E in D.D. 76, Ma Mei Ha Leng Tsui
Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/464)

65. Noting that the two planning applications, each for a Small House development in “Agriculture” zone, were similar in nature and the application sites were close to each other, Members agreed that these two applications could be considered together.

Presentation and Question Sessions

66. Ms. Jacinta K.C. Woo, DPO/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of each of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support both applications as active agricultural activities were found in the vicinity of the application sites and the application sites were of high potential for agricultural rehabilitation. Other government departments had no objection to or adverse comment on the applications;

- (d) one public comment was received for each of the applications during the statutory publication period. The public comment was submitted by a North District Council member who supported both applications; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to both applications for reasons detailed in paragraph 11 of the Papers. Regarding DAFC's comments, it was noted that the application sites were located to the immediate west of the "Village Type Development" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster and the footprints of the proposed Small Houses fell entirely within the village 'environs' of the same village cluster. Besides, the proposed Small House developments were not incompatible with the surrounding land uses, which were predominantly rural in nature. In addition, similar applications for Small House development within/partly within the same "Agriculture" zone had been approved with conditions by the Committee. Furthermore, the proposed Small House developments would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. The public comment in support of both applications was noted.

67. Members had no question on the applications.

Deliberation Session

68. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permissions should be valid until 15.6.2016, and after the said date, the permissions should cease to have effect unless before the said date, the developments permitted were commenced or the permissions were renewed. Each of the permissions 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.

69. The Committee also agreed to advise each of the applicants of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was at a location where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal aspects of the development and the provision of septic tank;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the 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 the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department; 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) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/471 Temporary Shop and Services (Estate Agency) for a Period of 3 Years
in “Agriculture” zone and an area shown as ‘Road’, G/F (Part), No. 2
Kan Tau Leng Tsui Village, Sha Tau Kok, Fanling
(RNTPC Paper No. A/NE-LYT/471)

Presentation and Question Sessions

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

70. Ms. Jacinta K.C. Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) temporary shop and services (estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the statutory publication period. The District Officer (North) advised that the Residents Representative (RR)

of Leng Tsui supported the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper.

71. Members had no question on the application.

Deliberation Session

72. Noting that part of the application site was government land (GL), a Member asked whether the applicant was required to pay rent for the temporary use of this part of the GL. Ms. Anita Lam replied that the applicant was required to apply to the concerned District Lands Officer for the use of GL. If the application was approved, the approval would be made subject to such terms and conditions to be imposed including the payment of rent. The same Member asked whether full market rent would be charged. Ms. Anita Lam responded that unless policy support was given by relevant bureaux for nominal rent to be charged, open market rent would be payable.

73. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application premises during the planning approval period;
- (b) the submission of drainage proposals within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2012;
- (c) in relation to (b) above, the implementation of drainage proposals within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2013;

- (d) the submission of proposals of water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2012;
- (e) in relation to (d) above, the implementation of proposals of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2013;
- (f) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (g) if any of the above planning conditions (b), (c), (d) or (e) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to resolve any land issue relating to the development with the concerned owner of the application premises;
- (c) to note the comments of the District Lands Officer/North, Lands Department that the owner of the lot should be advised to apply to his office for regularization of the portion of structure on the government land. There was no guarantee that the regularization would be approved. If the regularization was approved, the approval would be made subject to such terms and conditions to be imposed as the Government should deem fit to do so including the payment of fees;

- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the development;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the application premises was located within the flood pumping gathering ground;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows:
 - (i) if the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; and
 - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO.
- (g) to note the comments of the Director of Fire Services as follows:
 - (i) emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administered by BD; and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans.

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/472 Proposed 3 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 1676 S.A, 1676 S.B and 1676 S.C in D.D. 76, Leng Pei Tsuen, Fanling
(RNTPC Paper No. A/NE-LYT/472)

Presentation and Question Sessions

75. Ms. Jacinta K.C. Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed three houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as agricultural life in the application site and its vicinity was active. Other government departments had no objection to or adverse comment on the application;
- (d) one public comment was received during the statutory publication period. The comment was submitted by a North District Council (NDC) member who indicated no specific comment on the application, and hoped that the concerned departments would consult nearby residents. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application for reasons detailed in paragraph 11 of the Paper. Regarding DAFC's comments, it was noted that the application site was located to the west of the "Village Type Development" zone of Ma Mei Ha Leng Tsui and Leng Pei Tsuen village cluster and the footprint of the proposed Small Houses fell entirely within the village 'environs of the same village cluster. Besides, the proposed Small Houses were not incompatible with the surrounding land uses, which were predominantly rural in nature. In addition, similar applications for Small House development within/partly within the same "Agriculture" zone had been approved with conditions by the Committee. Moreover, the proposed Small Houses would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant government departments consulted had no adverse comments on the application.

76. Members had no question on the application.

Deliberation Session

77. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of 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.

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

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to his department's standards; and
 - (ii) the application site was located within the flood pumping gathering ground;
- (c) 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
- (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 applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

[Ms. Anita W.T. Ma returned to join the meeting at this point.]

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-TKL/383 Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 226 S.A and 226 RP in D.D. 79, Ping Yeung Village, Ta Kwu Ling
(RNTPC Paper No. A/NE-TKL/383)

79. The Secretary said that on 17.4.2012, the applicants submitted the current application to seek planning permission to build two proposed houses (NTEHs – Small Houses) on the application site in Ping Yeung Village. The application was scheduled for consideration by the Committee in this meeting.

80. The Secretary continued to say that as seen from the aerial photo taken in August 2010, the application site was originally a green area covered by vegetation. However, the vegetation at a substantial part of the site had been cleared and paved as evident from the aerial photo taken in January 2012. Currently, the entire site was paved and vacant. The site was subject to planning enforcement action for unauthorized land filling. Enforcement Notice (EN) was issued to the concerned landowners on 8.5.2012 requiring discontinuance of the unauthorized development by 15.5.2012. Enforcement action was in progress and reinstatement was under consideration to restore the site.

81. The Secretary continued to say that on 24.6.2011, the Board, in considering the TPB paper No. 8843 on “Proposed Measures against the “Destroy First and Build Later” Approach”, noted that as the existing state of the site, which was a relevant consideration in a planning application, might be in a state of flux, particularly where a Reinstatement Notice (RN) had been served, the Board would be entitled in such a case to take into account the state of the site after the RN had been duly complied with. The Board also agreed that where the application site was subject to enforcement action and a RN had been served, if the enforcement of the RN impinged on the physical state or “individual characteristics” of the site, the Board could take into account the state of the site as required in the RN in considering the application. Given that any act relating to “destroy first, development later”

should not be encouraged and enforcement action on the site was still on-going, PlanD recommended that a decision on the application be deferred until the application site had been reinstated.

82. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within one month upon reinstatement.

Agenda Item 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/453 Proposed House (New Territories Exempted House - Small House) in
 “Agriculture” zone, Lot 258 S.A ss.1 and 258 S.B in D.D.8, Tai Mong
 Che, Lam Tsuen, Tai Po
 (RNTPC Paper No. A/NE-LT/453A)

Presentation and Question Sessions

83. Ms. Jacinta Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential of rehabilitation for agricultural activities. Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) noted that the application site was overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain

Hazard Study (NTHS). He would tender in-principle objection to the application, unless the applicant would undertake a NTHS and to provide suitable mitigation measures, if found necessary, as part of the development. However, this could have significant cost implication and render this small development not economically viable. The applicant was required to submit a Geotechnical Planning Review Report (GPRR) to assess the geotechnical feasibility of the proposed development. Other government departments had no objection to or adverse comment on the application;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper. Regarding DAFC's comments, the application was generally in line with the 'Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories' in that the proposed Small House fell entirely within the village 'environs' of Tai Mong Che Village and there was a general shortage of land in meeting the demand for Small House development. On the H(GEO), CEDD's concerns, an approval condition requiring the applicant to submit a GPRR is recommended.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of landscape proposal to the

satisfaction of the Director of Planning or of the TPB;

- (b) the provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB;
- (e) the provision of protective measures to ensure no pollution or siltation occurred to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB; and
- (f) the submission of Geotechnical Planning Review Report (GPRR) to the satisfaction of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) or of the TPB.

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

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

- (d) to note the comments of the Director of Environmental Protection that the applicant should take up full ownership, construction and maintenance responsibility of the sewerage connection system and connect the proposed house to the future public sewer at his own cost. The sewerage connection point should be within the application site;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that public stormwater drainage system was not available for connection in the vicinity of the application site. The applicant should be required to provide proper stormwater drainage system for the proposed development to the satisfaction of his office. The applicant/owner was required to maintain the drainage systems properly, to rectify the systems if they were found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising from damage or nuisance caused by failure of the systems. Public sewerage system was not currently available for connection in the vicinity of the application site. However public sewers would be laid in Tai Mong Che under the project 4332 DS, 'Lam Tsuen Valley Sewerage';
- (f) to note the comments of the Chief Engineer/Project Management, DSD that the proposed public sewerage system as shown on Plan A-2 of the Paper would be subject to revision due to actual site situation. The applicant might contact his Consultant, Ove Arup & Partner for detailed information of the project;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department in paragraph 4 of Appendix IV of the Paper;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (i) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) that:

- (i) the application site was overlooked by steep natural hillside and met the Alert Criteria requiring a Natural Terrain Hazard Study (NTHS). The applicant was required to undertake a NTHS and to provide suitable mitigation measures, if found necessary, as part of the development. However, this could have significant cost implication and render this small development not economically viable. The applicant might consider proceed with the proposed development by fulfilling approval condition (f) as stated above;
- (ii) a GEO Advice Note, which set out the essential contents of a GPRR, was attached at Appendix V of the Paper; and
- (iii) to make necessary submission to the District Lands Officer/Tai Po to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in Practice Notes for Authorized Persons APP56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (j) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the access road leading from Tai Yeung Che Road to the application site was not currently maintained by his department;
- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
 - (i) for application site within the preferred working corridor of high

voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
 - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and/or his contractors when carrying out works in the vicinity of electricity supply lines; and
- (l) to note that the permission was only given to the development under the application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/390 Proposed House (New Territories Exempted House – Small House) in
“Agriculture” and “Green Belt” zones, Government Land in D.D. 15,
Shan Liu Village, Tai Po
(RNTPC Paper No. A/NE-TK/390)

Presentation and Question Sessions

87. Ms. Jacinta Woo, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) of Shan Liu. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was located within the lower indirect water gathering ground (WGG) and outside the “Village Type Development” zone and ‘VE’ of Shan Liu. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application and advised that the site was located adjacent to an existing road not far from the edge of an existing woodland. While the applicant indicated that site formation was required, no information was provided to demonstrate that the site formation would not have significant adverse landscape impacts on the surrounding area. Also, there was a general presumption against development within “Green Belt” (“GB”) zone. Approval of the Small House would set an undesirable precedent to other similar applications in the area, leading to urban sprawl in the green belt and degradation of the existing upland countryside landscape quality;
- (d) one public comment submitted by Kadoorie Farm & Botanic Garden Corporation against the application was received during the statutory publication period. The commenter pointed out that suspected site

formation works might have been conducted in the area. The proposed development was not in line with the planning intention of “GB” zone. As the site was located upstream to the WGG, any effluent/runoff from the proposed development would have the potential to affect the WGG. The approval of the application would set a precedent for other similar applications causing cumulative impacts on the area; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the “GB” zone. 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 the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. In this regard, the DLO/TP, LandsD did not support the application. Approval of the application would set an undesirable precedent for other similar applications in the area. The CE/Dev(2), WSD objected to the application as the site was within the lower indirect WGG and outside the “V” zone and the ‘VE’ of Shan Liu. There was no information submitted by the applicant to demonstrate the connection of the proposed house to the public sewerage system. The DAFC also did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. Besides, the CTP/UD&L, PlanD objected to the application and raised concern that approval of the application would set an undesirable precedent to other similar Small House applications within the “GB” zone resulting in urban sprawl and further degradation of landscape quality.

88. Members had no question on the application.

Deliberation Session

89. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Paper and

considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories” as the application site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages;
- (c) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

Agenda Item 22

Section 16 Application

[Open Meeting]

A/NE-TK/391 Proposed Public Utility Installation (Electricity Package Transformer) and Excavation of Land in “Conservation Area” zone, Government Land in D.D. 23, San Tau Kok, Tai Po
(RNTPC Paper No. A/NE-TK/391)

90. The Secretary reported that on 13.6.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to liaise with the concerned government departments.

91. 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 Items 23 and 24

Section 16 Application

[Open Meeting]

A/NE-TK/392 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 392 S.B in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/392)

A/NE-TK/393 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Lot 390 RP and Adjoining Government Land in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/393)

92. Noting that the two planning applications, each for a Small House development in “Green Belt” zone, were similar in nature and the application sites were close to each other, Members agreed that these two applications could be considered together.

93. Members noted that the letters from the applicant’s representative to request for a deferment of the consideration of the applications (Appendix I) had been tabled at the meeting.

94. The Secretary reported that on 13.6.2012, the applicants’ representative requested for a deferment of the consideration of both applications for two months in order to allow time for the applicants to prepare the landscape and geotechnical reports.

95. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. The Committee also agreed to advise the applicants 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 25 and 26

Section 16 Application

[Open Meeting]

A/TP/520 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government land in D.D. 26, Ha Tei Ha Village, Shuen Wan, Tai Po
(RNTPC Paper No. A/TP/520)

A/TP/521 Proposed House (New Territories Exempted House – Small House) in “Green Belt” zone, Government land in D.D. 26, Ha Tei Ha Village, Shuen Wan, Tai Po
(RNTPC Paper No. A/TP/521)

96. Noting that the two planning applications, each for a Small House development in “Green Belt” zone, were similar in nature and the application sites were close to each other, Members agreed that the applications could be considered together.

97. The Secretary reported that on 7.6.2012, the applicants requested for a deferment of the consideration of the applications for two months in order to allow time for the applicants to address comments from relevant government departments.

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

applicants. The Committee also agreed to advise the applicants 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 27

Section 16 Application

[Open Meeting]

A/ST/761 Shop and Services (Paint Store) in “Industrial” zone, Unit 5A, G/F,
Veristrong Industrial Centre, 34-36 Au Pui Wan Street,
Fo Tan, Sha Tin
(RNTPC Paper No. A/ST/761C)

99. The Secretary said that upon the requests of the applicant, the subject application had been deferred for three times. During the last deferment period, the relevant government department conducted tests on the paint products and confirmed that some of the paint products were dangerous goods (DG). The exact quantities and storage locations of the said products were required so that licensing requirements could be formulated. The latest comments given by Director of Fire Services (D of FS) were sent to the applicant on 3.5.2012. On 5.6.2012, the applicant wrote to the Secretary of the Board and requested the Board to further defer consideration of the application by one month in order to allow time for the applicant to prepare additional information to address the comments given by D of FS.

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

[The Chairman thanked Ms. Jacinta Woo, DPO/STN, for her attendance to answer Members' enquires. Ms. Woo left the meeting at this point.]

[Mr. K.C. Kan, Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long (STPs/TMYL), were invited to the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 28

Section 16 Application

[Open Meeting]

A/TM-LTY Y/236 Temporary Office with Ancillary Car Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Residential (Group C)” zone, Lots 1132 (Part), 1133 (Part), 1134 and 1135 s.B RP (Part) in D.D. 130, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/236)

101. The Secretary said that on 6.6.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to respond to departmental comments.

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

Agenda Item 29

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/201 Temporary Shop and Services (Real Estate Agency)
for a Period of 3 Years in “Open Space” zone, Lot 2873 in D.D. 104,
Mai Po, Yuen Long
(RNTPC Paper No. A/YL-MP/201)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (real estate agency) for a period of three years;

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

- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper ;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper.

104. Members had no question on the application.

Deliberation Session

105. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (c) the existing trees and vegetation on the application site should be maintained at all times during the planning approval period;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2012;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2013;
- (f) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.12.2012;
- (g) in relation to (f) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 15.3.2013;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied with during the planning approval period, the approval hereby given should

cease to have effect and should be revoked immediately without further notice;

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

106. 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) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application comprised an Old Scheduled Agricultural Lot held under the Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. A Short Term Waiver (STW) No. 2538 had been issued on Lot 2873 in D.D. 104 permitting structure for the purpose of temporary office use with a maximum built-over area of 73.8m² and a height not exceeding 3.44 metres. Structures proposed within the application site exceeded the same permitted under STW. Access of the site abut directly onto Palm Springs Boulevard leading to Royal Palms. His office did not provide maintenance works for this government land nor guarantee right-of-way. The lot owner would still need to apply to his office for modification of STW 2538 or regularize any irregularities on the site. Such application would be considered by Lands Department acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the

payment of premium or fee, as might be imposed by LandsD;

- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the comments of the Director of Environmental Protection that regarding sewage disposal, the applicant was reminded that all wastewaters from the site should comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site and BD was not in a position to offer comments on their suitability for the use related to the application. Before any new building works (including containers/open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations respectively. His detailed comments were at Appendix IV of the Paper;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the track connecting the site and Palm Springs Boulevard and Castle Peak Road – Mai Po was not under purview of HyD;
- (g) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures including one new conference room, the applicant

should submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. His detailed advice was at Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in Appendix V of the Paper, the applicant was required to provide justifications to his department for consideration; and

- (h) to note the comments of the Director of Electrical and Mechanical Services at Appendix VI of the Paper.

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

Agenda Item 30

Section 16 Application

[Open Meeting]

A/TM/436 Proposed Minor Relaxation of Building Height Restriction (from 6 Storeys to 7 Storeys) for a Proposed Religious Building (Tsing Chung Koon) in "Government, Institution or Community" zone, Tsing Chung Koon Road and Tsing Tin Road, Tuen Mun Town Lot 294 Extension in D.D. 131, Tuen Mun
(RNTPC Paper No. A/TM/436)

107. The Secretary had declared an interest in this item as his parents' niches were at the Tsing Chung Koon. As the applicant had requested for a deferment of consideration of the application, Members agreed that the Secretary would be allowed to stay at the meeting.

108. The Secretary said that on 31.5.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the departmental comments.

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

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 31

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/381 Proposed Utility Installation for Private Project (Indoor Substation) and
Excavation of Land in “Village Type Development” zone, Lots 424
S.A (Part), 425 S.C ss.7 (Part) and 425 S.C ss.9 (Part) in D.D. 123, Ng
Uk Tsuen, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/381)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (indoor substation) and excavation of land;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper ;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper.

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

113. 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 the District Lands Officer/Yuen Long that no structure was allowed to be erected without prior approval from the Government and no approval was given for the specified structure as indoor substation. The site was accessible via the vehicular access leading from Fuk Shun Street. His office provided no maintenance work for this access and did not guarantee right-of-way. Should planning approval be given to the application, the concerned lot owners would need to apply to his office to permit structures to be erected or regularize any irregularities

on site. Such application 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 his department;

- (c) to note the comments of the Director of Environmental Protection that the applicant should take appropriate measures to avoid nuisance arising, such as locating openings of the substation away from sensitive receiver;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure the proposed development would not affect the nearby wooded areas to the north and the trees therein;
- (e) to note the comments of the Commissioner for Transport that the proposed vehicular access leading to the site fell outside Transport Department (TD)'s purview and TD would not take up the management responsibility of the vehicular access. The management and maintenance responsibilities of this vehicular access should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Fuk Shun Street should be approved by TD, and HyD should not be responsible for the maintenance of any access connecting the site and Fuk Shun Street;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed installation should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc.;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the site should be provided with means of

obtaining access thereto from a street under the Building (Planning) Regulation (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. The site did not seem to abut on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. Formal submission under the Buildings Ordinance was required for any proposed new works, including the substation structure; and detailed checking of plans would be carried out upon formal submission of building plans;

- (i) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Emergency vehicular access provision in the site should comply with the standard as stipulated in Section 6, Part 6 of the Code of Practice for Fire Safety in Building 2011 under the B(P)R 41D;
- (j) to note the comments of the Director of Electrical and Mechanical Services that 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 contractor(s) when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998), 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 facility; and

- (l) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the applicant should inform AMO immediately in case of discovery of antiquities or supposed antiquities in the site during the course of ground excavation.

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/382 Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” zone, Lots 390 (Part), 391, 392, 394 (Part), 395 (Part) and 403 RP (Part) in D.D. 122 and Adjoining Governemnt Land, Sheung Cheung Wai, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/382)

Presentation and Question Sessions

114. Mr. Vincent T.K. Lai, STP/TMYL, drew Members’ attention to a typo error in line 3 of paragraph 12.2 of the Paper, which should read “3 years until 15.6.2015”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper ;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper.

115. Members had no question on the application.

Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked on the site at any time during the planning approval period;
- (c) no vehicle without valid licences issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to remind

drivers on pedestrian safety on the access road to the site at all time during the planning approval period;

- (f) the landscape planting on site should be maintained at all time during the planning approval period;
- (g) the drainage facilities implemented on the site under Application No. A/YL-PS/304 should be maintained at all times during the approval period;
- (h) the submission of a tree survey plan and schedule within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2012;
- (i) 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 15.12.2012;
- (j) 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 15.12.2012;
- (k) in relation to (j) 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 15.3.2013;
- (l) 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;
- (m) if any of the above planning conditions (h), (i), (j) or (k) 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

- (n) 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.

117. 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 the District Lands Officer/Yuen Long that no permission had been given for occupation of the government land (GL) within the site. The site was accessible through an informal track on GL and other private land extended from Tsui Sing Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Should planning approval be given to the application, the concerned lot owners and occupiers of the GL concerned still need to apply to his office to permit structures to be erected or 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 his 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 sufficient manoeuvring spaces should be provided within the site and no vehicle was allowed to queue back to public road or reverse onto/from public road. The local track leading to the site from Tsui Sing Road was not under

Transport Department (TD)'s purview and its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Tsui Sing Road should be approved by TD. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Tsui Sing Road;
- (f) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD that the MTRCL requirements and safety practice with respect to the operation and maintenance of West Rail Line should be followed;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department on the removal of unauthorised structures within the site, which were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorised structures existing on the site under the BO and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found. Formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Use of containers as shroff and guardroom were considered as temporary buildings and were subject to control under B(P)R Part VII;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that as the tree planting

arrangement was slightly different from that approved under application No. A/YL-PS/304, the applicant should provide updated information for reference;

- (i) to note the comments of the Director of Fire Services that a clear and concise layout plan(s) should be drawn to scale and depicted with dimensions and nature of occupancy; to indicate type of construction for each structure, if any; and all proposed fire service installations (FSIs) with fire service notes should be clearly indicated and stated on the plan(s). 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;

- (j) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that noting the narrow access to the proposed ingress/egress, the applicant should be reminded of the possible traffic flow and the pedestrian's safety for those visiting Tsui Sing Lau Pagoda, a Declared Monument; and

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
 - (i) for site with 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 PlanD, prior consultation and arrangement with the electricity supplier was necessary;

 - (ii) prior to establishing any structure within the application site, the

applicant and/or his 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

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and their contractor(s) when carrying out works in the vicinity of the electricity supply lines.

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

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/790 Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/622 for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 26 RP (Part), 29 RP (Part) and 31 RP (Part) in D.D. 128, Lots 2401 (Part), 2402, 2403 (Part), 2404 (Part), 2407 (Part), 2408 (Part), 2409 RP (Part), 2420 RP (Part), 2422 RP (Part), 2423 (Part), 2424 (Part), 2426 (Part), 2427 (Part), 2428, 2429, 2430 (Part), 2431 (Part), 2432 (Part), 2439 (Part), 2443 RP (Part), 2974 (Part), 2975 S.A (Part), 2975 S.B (Part), 2977 S.A (Part), 2979 (Part), 2980 (Part), 2982 RP and 2983 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/790)

Presentation and Question Sessions

118. 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;

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

- (b) the renewal of planning approval for temporary open storage of containers with ancillary office under Application No. A/YL-HT/622, which would be valid until 19.6.2012, for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive users in the vicinity of the site (about 80m from the site) and along the access road (Lau Fau Shan Road) and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there had not been any pollution complaint pertaining to the site over the past three years. To mitigate any potential environmental impacts, approval conditions restricting the operation hours and prohibition of workshop activities on-site (except for minor ancillary container repairs), and stacking height of containers had been recommended.

119. Members had no question on the application.

Deliberation Session

120. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2012 to 19.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 7:00 p.m. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, repairing and workshop activity, except for minor ancillary container repairs, was allowed on the site during the planning approval period;
- (d) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (e) no material, including container, was allowed to be stored/dumped within 1m of any tree;
- (f) the drainage facilities implemented on the site should be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2012;
- (h) the submission of a landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2012;

- (i) in relation to (h) above, the implementation of the landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Planning or of the TPB by 19.3.2013;
- (j) the submission of a run-in/out proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 19.12.2012;
- (k) in relation to (j) above, the implementation of the run-in/out proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Highways or of the TPB by 19.3.2013;
- (l) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.12.2012;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.3.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (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.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Lau Fau Shan Road via other private land and provided no maintenance works for the government land of the access;
- (c) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department to construct a run-in/out at the access point at Lau Fau Shan Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate to match with the existing adjacent pavement, and that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (f) to note the comments of the Director of Fire Services that the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were 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 plan(s). Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and

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

from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D.

[Mr. Timothy Ma returned to join the meeting at this point.]

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/791 Renewal of Planning Approval for Temporary Open Storage of Containers with Ancillary Office under Application No. A/YL-HT/621 for a Period of 3 Years in “Open Storage” and “Recreation” zones, Lots 1141 RP (Part), 1142, 1143 RP, 1144 (Part), 1145 (Part), 1146 (Part), 1152 (Part), 1153 (Part), 1154 RP (Part), 1155 (Part), 1156, 1157 (Part), 1158 (Part), 1161 (Part), 1162 (Part), 1163 (Part), 1164 (Part), 1165, 1166, 1168 (Part), 1169 RP (Part), 1181 (Part), 1188 RP (Part), 1189 RP (Part), 1190 (Part), 1191 (Part), 1192 (Part), 1193 (Part), 1194 (Part), 1195 (Part) and 1196 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/791)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of containers with ancillary office under Application No. A/YL-HT/621, which would be valid until 19.6.2012, for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. the Director of Environmental Protection

(DEP) did not support the application as there were sensitive users in the vicinity of the site (about 90m from the site) and along the access road (Ha Tsuen Road and Tin Ha Road) and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application ;

- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there had not been any substantiated environmental complaint against the site over the past three years despite that the open storage use had been in operation for some time. To mitigate any potential environmental impacts, approval conditions on restrictions on the operation hours, stacking of containers on-site, and prohibition of workshop activities (except for minor ancillary container repairs) had been recommended.

123. Members had no question on the application.

Deliberation Session

124. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2012 to 19.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 11:00 p.m. to 7:00 a.m. was allowed on the site during the approval period;
- (b) no operation on Sundays or public holidays was allowed on the site during the planning approval period;

- (c) the stacking height of containers stored within the site should not exceed 8 units during the planning approval period;
- (d) no cutting, dismantling, cleansing, repairing and workshop activity, except for minor ancillary container repairs, was allowed on the site during the planning approval period;
- (e) no ground excavation work should be carried out on-site without prior written consent from the Antiquities and Monuments Office of the Leisure and Cultural Services Department during the planning approval period;
- (f) no material, including container, was allowed to be stored/dumped within 1m of any tree;
- (g) the drainage facilities implemented on the site under Application No. A/YL-HT/621 should be maintained at all times during the planning approval period;
- (h) the submission of a condition record of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 19.12.2012;
- (i) the submission of a fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.12.2012;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 19.3.2013;
- (k) the submission of a landscape proposal within 6 months from the date of

commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2012;

- (l) in relation to (k) above, the implementation of the landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Planning or of the TPB by 19.3.2013;
- (m) the provision of fencing for the site, as proposed by the applicant, within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2012;
- (n) the removal of the excessive structures on the site, as proposed by the applicant, within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2012;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon 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.

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

- (a) the permission was given to the use/development under application. It did not condone to the open storage of recyclable materials or any other use/development which might currently exist on the "Recreation" portion of the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government, and to apply to him for occupation of the government land involved and to permit structures to be erected or regularize any irregularities on-site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not guarantee right-of-way for access to the site from Ha Tsuen Road;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided for storages, open sheds or enclosed structures with total floor area less than 230 m² with access for emergency vehicles to reach 30m travelling distance to the structures, as required by occupancy and should be clearly indicated on plans. The applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice Guidelines for Open Storage' at Appendix VI of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of this planning permission should not be construed as condoning to any unauthorized structures existing on site under the Buildings Ordinance (BO) and the allied regulations; actions appropriate under the BO or other enactment might be taken if contravention was found; use of containers as offices or store were considered as temporary buildings and were subject to control under Building (Planning) Regulation (B(P)R) Part VII; formal submission of any proposed new works, including any temporary structure for approval under the BO was required; if the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; provision of emergency vehicular access was applicable under B(P)R 41D.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-HT/792

Temporary Open Storage of Vehicles Not Yet Licenced to Run on the Road and Private Car Parking for a Period of 1 Year in “Government, Institution or Community” and “Recreation” zones, Lots 515 RP(Part), 518(Part), 521(Part), 522, 523, 524(Part), 525(Part), 526(Part), 1247 RP(Part), 1249(Part), 1250(Part), 1251 RP, 1252, 1253, 1254, 1255(Part), 1256(Part), 1257, 1258 RP, 1259(Part), 1260, 1261 and 1262 RP(Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/792)

126. The Secretary reported that on 7.6.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare and re-submit a drainage proposal to address the comments of the Drainage Services Department.

127. 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 36

Section 16 Application

[Open Meeting]

A/YL-HT/793 Temporary Open Storage of Containers with Ancillary Office and Container Repair Workshop for a Period of 1 Year in “Government, Institution or Community” zone, Lots 515 RP (Part), 516 (Part), 517 (Part), 518 (Part), 519 (Part), 520 (Part) and 521 (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/793)

128. The Secretary reported that on 7.6.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare and re-submit a drainage proposal to address the comments of the Drainage Services Department.

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/794 Proposed Public Utility Installation (Package Substation) and Excavation of Land for an Underground Cable Trench in “Village Type Development” zone, Government Land in D.D. 125, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/794)

Presentation and Question Sessions

130. 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 public utility installation (package substation);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper ;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper.

131. Members had no question on the application.

Deliberation Session

132. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscape proposal to screen the proposed development from the surroundings to the satisfaction of the Director of Planning or of the TPB; and

- (b) the submission and implementation of a fire service installations proposal, and the provision of water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long to seek his approval for excavation permit;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affect any existing watercourse, village drains or ditches etc.;
- (c) to note the comments of the Director of Environmental Protection to take appropriate measures to avoid noise nuisance arising, such as locating openings of the proposed electricity substation away from sensitive receivers;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (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. The provision of emergency vehicular access should comply with the standard stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 under the Buildings (Planning) Regulation 41D; and
- (f) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP)

guidelines (1998), 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 package substation.

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NSW/204 Proposed Columbarium in “Government, Institution or Community” and “Undetermined” zones, Lots 879, 880 S.A ss1, 880 S.B ss1, 881 to 885, 889 RP (Part), 891 (Part), 1318, 1326, 1344 (Part) in D.D. 115 and Adjoining Government Land, Au Tau, Nam Sang Wai, Yuen Long (RNTPC Paper No. A/YL-NSW/204)

134. Mr. Ivan Fu and Ir. Janice Lai had declared an interest in this item as they had current business dealings with Urbis Ltd., one of the consultants of the subject application. Members noted that Mr. Ivan Fu had left the meeting. As Ir. Janice Lai had no direct involvement in the subject application, Members agreed that the interest of Ir. Lai was indirect and could be allowed to stay in the meeting.

Presentation and Question Sessions

135. Mr. Ernest C.M. Fung, STP/TMYL, drew Members’ attention to a typo error in paragraph 10.1.9 on Page 14 of the Paper, which should read “burning of ritual paper and joss sticks would be prohibited in the proposed columbarium”. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposal submitted by the applicant was summarised in paragraph 1 of the Paper and highlighted below;
 - (i) columbarium with 20,000 niches;
 - (ii) the existing Pun Uk within the application site was a Grade 1 historic building and would be preserved and revitalized for public access;
 - (iii) the height of the proposed columbarium building was reduced from 15.9 m (5-storey columbarium building) to 12.33 m (6 storeys building with two basements and a lower ground floor) to address departmental comments;
 - (iv) a 8.7m high vertical green wall with vertical planting in between the proposed columbarium and Pun Uk in order to minimize the visual impact;
 - (v) traffic improvement schemes including widening of the access road to provide an exclusive “Ambulance Only Lane” to access the Pok Oi Hospital (POH), widening of local footpath and provision of pedestrian crossing points across Siu Sheung Road leading to the columbarium, pedestrian stacking area and installation of railings; and
 - (vi) traffic management measures during Ching Ming and Chung Yeung Festivals and their shadow periods (3 weekends before and 2 weekends after the festivals) including the closing of vehicular access to the proposed columbarium and no shuttle bus service to be provided.
- (c) the applicant’s justifications in support of the application were set out in paragraph 2 of the Paper;

(d) departmental comments – departmental comments were set out in paragraph 10 of the Paper and highlighted below:

- (i) the Chief Executive of Hospital Authority (CE of HA) advised that POH provided 24-hour Accident and Emergency services. Clear and unimpeded access for ambulances, patients and staff should be available at all times. There was only one vehicular access to the hospital complex which was leading from Castle Peak Road and the proposed columbarium would share the same access. The sharing of the same access by the proposed columbarium and POH would pose a significant hazard to the timely delivery of emergency services. Regarding the applicant's proposal of closing vehicle access to the columbarium during festivals and their shadow period, this would not reduce the potential impediment to the emergency traffic as visitors to the columbarium were likely to schedule their visits to a time slot not within the restricted times. In addition, he was concerned that as the nearest convenient drop-off point, taxi and private car traffic to the hospital complex would increase. This was not acceptable and would be extremely hazardous to normal hospital operations. On environmental aspect, there were also concerns regarding the nuisances such as noise, dust and vibrations caused by construction activities and the environmental pollutions which would affect hospital operations and the well-being of patients. Furthermore, there might be visual impact on the upper floors directly facing the proposed columbarium. It might have a negative psychological effect on the patients;

- (ii) the Commissioner of Police (C of P) objected to the application on grounds of public safety. The site was close to Pok Oi Interchange where there was constant heavy flow of vehicular traffic. If the 'Columbarium' was built, serious traffic congestion was anticipated during Ching Ming and Chung Yeung Festivals. He noted the proposed traffic improvement schemes and traffic management measures and had no further comment on the application;

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The potential visual and psychological impacts of the proposed columbarium development on the adjoining elderly home were major concerns. Whether the reduction of the building height (from 15.9m to 12.3m) would reduce the psychological impact of the columbarium use on the adjoining sensitive receivers remained controversial. It was also doubtful if the 8.7m vertical green wall could effectively minimize the visual impact of the columbarium building. In particular, the 7m bell tower on the roof-top of the columbarium structure was visually prominent; and
- (iv) the Commissioner for Transport (C for T) had no objection to the application subject to the implementation of the proposed improvement schemes as stated in Section 10 of the Consolidated Traffic Impact Assessment Report before any niche was being occupied; and the implementation of the proposed management measures as stated in Sections 3.8 to 3.12 of the Consolidated Report submitted by the applicant.
- (e) the District Officer (Yuen Long) received 27 comments on the application from the locals which were summarised below:
 - (i) 23 letters from the Village Representatives (VRs) of Choi Uk Village and Shan Pui Village as well as a land manager of Shan Pui Tsuen objecting the application as it would affect historic Pun Uk, have adverse psychological impacts to the nearby residents and cause traffic congestion. The site was not suitable for development of columbarium and it would affect village feng shui, etc.;
 - (ii) 3 objection letters from private individuals objecting the application as proposed columbarium was close to Wong Uk Tsuen and this would affect the feng shui of the village and had adverse

psychological impact to the patients at POH and the nearby residents;
and

- (iii) the Manager of Small Traders New Village confirmed that she had never sent objection on behalf of the residents of the village.

- (f) a total of 2,641 public comments were received including 12 supporting comments, 8 comments with concerns and 2,621 objecting comments were received during the statutory publication period. Their major views were summarized as follows:

Support Columbarium Development

- (i) 12 supporting comments were received from private individuals. They considered that the site was suitable for the columbarium development and the proposed columbarium could cope with ageing problem; there was no impact on landscape, traffic, air quality; and its location was acceptable for the columbarium;

Concerns on Preservation Historic Pun Uk

- (ii) the Conservancy Association was concerned about the preservation of the historic Pun Uk;

- (iii) the Designing Hong Kong objected to the application as it would affect the historic Pun Uk, limit its possibility for revitalization, and traffic assessment was inadequate to assess the existing access road during Ching Ming and Chung Yeung Festivals;

- (iv) some commenters considered that the historic Pun Uk should be preserved and the site should be proposed for exhibition centre. Columbarium should be developed at a more rural and isolated site with vast car-parking and open space area;

Destruct Village Feng Shui

- (v) VRs of Wong Uk Tsuen, Tai Wai Tsuen, Ying Lung Wai, Yeung Uk

Tsuen, Tung Tau Tsuen, Sheung Yau Tin Tsuen, Ha Yau Tin Tsuen and Shan Pui Tsuen objected the application mainly on the grounds of destruction of village feng shui. They also had concerns on the preservation of Pun Uk as well as adverse psychological impact on the patients of POH and residents of Yuen Long;

- (vi) the Shap Pat Heung Rural Committee (SPHRC) and the Shap Pat Heung District Residents' Association objected to the application as there was a lack of information of the impacts on the community and the infrastructure; and the development would affect the historic Pun Uk and no consultation with the locals had been conducted;
- (vii) subsequently, the SPHRC and VRs of Wong Uk Tsuen, Tai Wai Tsuen, Ying Lung Wai and Tung Tau Tsuen and the representative of Small Traders New Village expressed no objection to/no view on the proposed columbarium after the consultation conducted on 17.6.2011. They also stated that their worries about psychological impacts, noise, environment and traffic facilities had been relieved. Besides, VR of Yeung Uk Tsuen and a private individual expressed no objection as the applicant had made improvements to relieve noise and traffic problems;

Incompatible with Residential Areas

- (viii) the YOHO Town Owners' Committee, the YOHO Midtown Owners' Committee and the owners objected to the application. Their main objection reasons were that the site was close to residential areas which might induce air pollution and disturb their livelihood, affect the health of the nearby residents and increase the traffic in the area;

Alternative Sites Should be Identified for Columbarium

- (ix) some commenters advised that more niches should be provided by expanding or redeveloping the existing columbaria. Some commenters suggested that new columbarium should be developed

at other vacant sites and parks;

Adverse Psychological, Traffic, Environmental and Ecological Impacts

- (x) a total of 1,916 comments in standard comments were received and their objection reasons were mainly as follows:
- Pun Uk was a historic building;
 - the proposed columbarium development would have adverse psychological impact on the patients, their families and the elders of the adjacent POH and its care and attention home;
 - the proposed development would have adverse psychological impact on the residents of the nearby residential developments and would also affect their property prices;
 - the development would have adverse psychological impact on residents of Small Traders New Village, the daily commuters passing the Pok Oi Interchange; and
 - queuing of vehicles during Ching Ming and Chung Yeung Festivals at the Pok Oi Interchange would affect the emergency services of POH.
- (g) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper which were highlighted below:
- (i) the site fell within an area designated as “Undetermined” (“U”) as several major transport and drainage projects, including Yuen Long Highway, West Rail and Yuen Long Bypass Floodway, which were under planning at the moment and would traverse the area. With the completion of the said infrastructural projects, the land use for the area within the “U” zone was being comprehensively reviewed by PlanD. Prior to the completion of the land use review, approval of the proposed columbarium development would impose constraints to the land use review and jeopardize the overall land use

planning for the area;

- (ii) the proposed columbarium shared the same vehicular access to the adjoining POH and its care and attention home. POH provided 24-hour Accident and Emergency services. HA was primarily concerned that the sharing of the same access by the proposed columbarium and POH would pose a significant hazard to the timely delivery of emergency services particularly to patients with life-threatening conditions. The proposed traffic improvement schemes and traffic management measures were not acceptable to HA because he did not believe that the restricted access to the columbarium during Ching Ming and Chung Yeung Festivals and shadow periods would reduce the potential impediment to the emergency traffic as private cars and taxis would divert traffic to the POH complex. HA considered that the proposed columbarium would have negative psychological effect on the patients. HA was concerned that patients were often in a vulnerable condition and it was therefore essential to create a holistic healing environment;
- (iii) the C of P objected to the application and was concerned about the heavy-loaded Pok Oi Interchange and there was only one access to the proposed columbarium. The pedestrian access to the columbarium was not wide enough to ease the pedestrian flow and serious traffic congestion was likely happen during Ching Ming and Chung Yeung Festivals. Besides, he considered that if the emergency access of POH was blocked, it would cause unnecessary delay of ambulance delivering of injured or sick to the emergency ward. Furthermore, there was also doubt on the enforceability of the traffic management measures as proposed by the applicant. The applicant had not demonstrated how the measures would be implementable and enforceable under the current development control mechanism; and
- (iv) on the urban design and visual aspects, CTP/UD&L had reservation

on the proposed columbarium. There was concern on the proposed 8.7m high vertical green wall which could not effectively minimize the visual impact of the columbarium as the building would still be visible from the adjoining care and attention centre. Moreover, the 7m high roof-top bell tower of the proposed columbarium building would aggregate the adverse visual impact of the proposed development.

136. In response to the question raised by the Members, Mr. Ernest Fung said that Pun Uk was a Grade 1 historic building located on a piece of private land. Pun Uk was currently left vacant. A Member said that the historic grading would not affect the actual use of the concerned building. If any redevelopment might affect the historic building, prior consultation with the Antiquities & Monuments Office of the Leisure and Cultural Services Department should be made.

137. The Chairman enquired about the programme of the landuse review of the “U” zone. Mr. Ernest Fung replied that the landuse review of the “U” zone was on-going and the “U” zone was affected by several infrastructure projects including Yuen Long Highway, West Rail and Yuen Long Bypass Floodway. In the course of the land use review, government departments had expressed concerns on some technical issues. PlanD was actively working with relevant government departments in resolving the issues. There was no exact time frame for the completion of the review.

Deliberation Session

138. Two Members considered, as compared with other similar applications, the applicant had made efforts in deriving the development scheme which was not totally unacceptable. One of the Members also said that the proposed columbarium use was not entirely incompatible with the adjacent hospital use. However, both Members had concerns on the adverse traffic impacts of the proposed development. One of the Members asked whether there was any alternative vehicular access to serve the proposed columbarium development. Mr. Ernest Fung replied that as shown in Plan A-2b, the site was only accessible via a local road leading to Siu Sheung Road which was also used by POH, Small Traders New Village and some residential dwellings nearby as access road. To the north of

site was only a pedestrian walkway leading to the West Rail Line.

139. Mr. K. C. Siu remarked that as stated in paragraph 10.1.6(c), the C of P noted the proposed traffic improvement schemes and traffic management measures and had no further comment on the application. The Chairman said that, as indicated in the Paper, the Chief Executive of Hospital Authority had grave concern on the adverse traffic impacts of the proposed columbarium.

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

- (a) the proposed columbarium was located in an “Undetermined” zone which was being comprehensively reviewed. Approval of the columbarium would pose an undue constraint to the future land use in the area;
- (b) the proposed columbarium would aggravate the overloaded Pok Oi Interchange and pose public safety concern. The applicant also failed to demonstrate that the emergency services of Pok Oi Hospital would not be affected;
- (c) since the implementability and enforceability of the proposed traffic management measures were doubtful, the applicant failed to demonstrate that the development would not cause adverse traffic impact on the area; and
- (d) the approval of the proposed development would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such similar applications would result in adverse traffic impact on the area.

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

[The meeting was adjourned for a break of 5 minutes.]

[Mr. Rock C. N. Chen and Dr. C.P. Lau left the meeting at this point.]

141. Due to some urgent commitments, the Chairman left the meeting at this point. The Vice-chairman chaired the remaining items of the meeting.

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-NSW/212 Proposed House (New Territories Exempted House) in
“Undetermined” zone, Lot 757 in D.D. 115, Tung Shing Lei,
Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/212)

142. The Secretary reported that on 30.5.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address departmental comments.

143. 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 since this was the second deferment and a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 40

Section 16 Application

[Open Meeting]

A/YL-NTM/274 Proposed Comprehensive Residential Development ('House') and Supporting Commercial Facilities ('Shop and Services' and 'Eating Place') in "Comprehensive Development Area" zone, Various Lots in D.D. 104, and Adjoining Government Land, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/274)

144. The Secretary reported that on 31.5.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address departmental comments.

145. 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 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/566 Proposed Public Utility Installation (Package Substation) and Excavation of Land in "Village Type Development" zone, Government Land in D.D. 106, Yuen Kong San Tsuen, Kam Tin, Yuen Long
(RNTPC Paper No. A/YL-KTS/566)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation) and excavation of land;
- (c) departmental comments – concerned departments had no objection to or no adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application for reasons detailed in paragraph 11 of the Paper.

147. Members had no question on the application.

Deliberation Session

148. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 15.6.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of a landscaping proposal including a compensatory planting scheme to the satisfaction of the Director of Planning or of the TPB; and
- (b) the design and provision of water supply for firefighting and fire service

installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the applicant should apply to LandsD for approval of construction and installation of the package substation under the mechanism of Block Licence that covered the site within 12m². For the purpose of carrying out the proposed works, the applicant should also apply to LandsD for an “Excavation Permit”. No works should be commenced unless the relevant documents and approval had been given with the prescribed fee settled;
- (b) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The proposed development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant should also consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that there was an existing 50mm diameter water main

located in/or within the site. The applicant should ensure that the proposed development would not affect the water main. The water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (e) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines (1998), 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 package substation;
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) that the proposed trench / pit should be backfilled with fine fill material in accordance with the specification and standard in Section 6 of the General Specification (GS) for Civil Engineering Works (CEDD, 2006 or as amended or updated). The applicant / utility undertakers should also observe the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by the Highways Department and CEDD which provided good technical guidelines on trench excavation; and
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from the relevant licensing authority. The emergency vehicular access provision at the site should comply with the standard as stipulated in Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 under the Building (Planning) Regulation 41D.

Agenda Item 42

Section 16 Application

[Open Meeting]

A/YL-PH/637 Temporary Field Study/ Education/ Visitor Centre and Natural Farm Use for a Period of 3 Years in “Conservation Area” and “Residential (Group D)” zones, Lots 153, 157 (Part), 158 (Part) and 159 (Part) in D.D. 108 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/637)

150. The Secretary reported that on 24.2.2012, the Committee decided at the request of the applicant to defer the consideration of the application for two months to allow time for preparation of further information to address the departmental comments. On 4.5.2012, the applicant submitted further information and the application was scheduled for consideration by the Committee at this meeting.

151. The Secretary said that there was general presumption against development within the “Conservation Area” zone. As seen from the aerial photo in 2002, the site was covered with vegetation. However the site was partly formed and paved, and most of the vegetation on the site had been cleared as evident from the aerial photos in 2003, 2009, 2011 and the recent site inspection.

152. The Secretary continued to say that on 24.6.2011, the Board, in considering the TPB Paper No. 8843 on “Proposed Measures against the “Destroy First and Build Later” Approach”, agreed that any deliberate action to change the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development was not to be encouraged and that a decision on a planning application could be deferred in order to investigate the case. The site might involve unauthorized site formation works prior to the application. Such practices contravened with the approaches announced by the Board to deter “Destroy First, Build Later” activities in July 2011. To allow more time for investigation to collect more information on the unauthorized site formation works undertaken on the site, PlanD requested that a decision on the application be deferred for two

months so as to ascertain whether any unauthorized site formation works were involved that might constitute an abuse of the planning application process.

153. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration after the investigation in two months' time.

Agenda Item 43

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/169 Temporary Shop and Services (Horticulture and Interior Design Sample Showroom) and Office for a Period of 3 Years in “Village Type Development” zone, Lots 1285 RP (Part) and 1286 RP (Part) in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long
(RNTPC Paper No. A/YL-SK/169)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary shop and services (horticulture and interior design sample showroom) and office for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) one public comment from a group of stakeholders of a *Tso* of Pat Heung Sheung Tsuen raising objection to the application was received during the

statutory publication period. The commenters indicated that the land belonged to their *Tso* but was illegally filled and constructed with illegal structures by someone without the consent of all stakeholders of the *Tso*. They considered that the approval of the application would set an undesirable precedent for unauthorized land filling and construction of unauthorised building work (UBW). District Officer (Yuen Long) had received a comment from the locals on the application, which had also been received by the Board and had been treated as a public comment received during the statutory publication period of the application; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper. Regarding the public objection on the unauthorized land filling works and construction of UBW at the site, the previous unauthorized development concerning filling of land was subsequently found discontinued. The Chief Building Surveyor/New Territories West of Building Department (BD) also had no in-principle objection to the applied use and advised that enforcement action would be taken to effect the removal of the UBW in accordance with the prevailing BD's policy. The applicant would also be advised to resolve any land issue relating to the development with the concerned owner(s) of the site.

155. Members had no question on the application.

Deliberation Session

156. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no storage was allowed at the open areas of the application site at any time during the planning approval period;
- (b) no repairing, dismantling or other workshop activities should be carried out

on the application site at any time during the planning approval period;

- (c) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (d) no vehicle leaving the site to Kam Sheung Road at any time during the planning approval period should be allowed to turn right;
- (e) the submission of run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.12.2012;
- (f) in relation to (e) above, the provision of run-in/out within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 15.3.2013;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2012;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.3.2013;
- (i) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.12.2012;
- (j) in relation to (i) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.3.2013;

- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2012;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.3.2013;
- (m) 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;
- (n) if any of the above planning conditions (e), (f), (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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owner would need to apply to his office to permit any 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 imposed by LandsD. Besides, the site was accessible via government land from Kam Sheung Road. His office did not provide maintenance works on this government land nor guarantee right-of-way. Noting that Lot 1286 RP in D.D. 114 was a Tso/Tong property, the consent of the District Officer (Yuen Long), Home Affairs Department should first be sought before his office could issue any Short Term Waiver to the registered owner(s) to permit any structures to be erected for the applied use;

- (d) to note the comments of the Commissioner for Transport that a proper vehicular access/run-in between the site and the public road should be constructed and maintained. The site was connected to public road network via a strip of land which was not managed by his Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for the construction of run-in at his own cost to the satisfaction of relevant government departments. The run-in should be constructed at full width of the footpath of Kam Sheung Road in accordance with HyD Standard Drawing. Excavation Permit should be obtained from the New Territories West Region of his Department prior to commencement of excavation works on public road/footpath which was maintained by his department. The applicant should ascertain that utility services at the run-in location could sustain the construction traffic load, and ensure that surface water from the site would not be discharged onto public road/footpath surface through the proposed run-in. Moreover, his department was not/should not be responsible for the maintenance of any vehicular access connecting the application site and Kam Sheung Road;

- (f) to note the comments of the Director of Environmental Protection that the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” should be observed to minimize any potential environmental nuisances;
- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that necessary measures should be adopted to prevent damaging the trees nearby during operation;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that his Department was carrying out the replacement and rehabilitation of two existing mains within the southern boundary of the site. The applicant was requested to liaise with the Consultants Management Division of his Department about the arrangement of the abandonment of the affected watermains and the programme of waterworks;
- (i) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix III of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his department for consideration;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the 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, the prior approval and consent of the 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 to the BO. 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. Temporary structures/containers used for office/storage/toilet were considered as temporary buildings that were subject to control of the BO. Formal submission under the BO was required for any proposed new works, including temporary structures. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (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

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

Agenda Item 44

Section 16 Application

[Open Meeting]

A/YL-TT/284 Proposed Houses in “Residential (Group D)” zone,
Lots 4989 RP, 4990 and 4991 (Part) in D.D. 116,
Shung Ching San Tsuen, Tai Tong Road, Yuen Long
(RNTPC Paper No. A/YL-TT/284)

158. The Secretary reported the application had been deferred for three times. During the last deferment period, the applicant submitted supplementary information providing responses to relevant departmental comments including a traffic noise impact assessment report on 6.3.2012, 13.3.2012 and 20.4.2012. The Secretary reported that on 8.6.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address the comments of the Environmental Protection Department of 31.5.2012 on traffic noise and industrial/residential interface problem arising from a paper recycling plant near the site.

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

Agenda Item 45

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/566 Temporary Warehouse for Storage of Construction Materials, Carpets and Porcelains with Ancillary Office for a Period of 3 Years in “Undetermined” zone, Lot 1241 (Part) in D.D. 119, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/566)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary warehouse for storage of construction materials, carpets and porcelains with ancillary office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate east and in the vicinity of the site and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 11 of the Paper. Although DEP did not support the

application, the development was proposed for storage purpose mainly in enclosed warehouse structures and there had not been any environmental complaint in the past three years. Approval conditions restricting the operation hours, prohibiting open storage and workshop activities and restricting the use of heavy goods vehicles were recommended to address DEP's concern.

161. Members had no question on the application.

Deliberation Session

162. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no storage at the open areas of the application site was allowed at any time during the planning approval period;
- (d) no repairing, dismantling, cleaning and any other workshop activities should be carried out on the application site at any time during the planning approval period;
- (e) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;

- (f) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2012;
- (h) the submission and implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2012;
- (i) 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 15.9.2012;
- (j) 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;
- (k) if any of the above planning conditions (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (l) upon 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.

163. 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 note the comments of the District Lands Officer/Yuen Long, Lands Department that Lot 1241 in D.D. 119 was covered by Short Term Waiver (STW) No. 3193 to allow the use of the land for the purpose of warehouse with ancillary office with permitted built-over-area not exceeding 649.33 m² and height not exceeding 6.3m above the level of the ground. The lot owners concerned would need to apply to his office to permit any additional/excessive 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 Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way;
- (e) to note the comments of the Commissioner for Transport that whether the width of the existing track was sufficient for use by 11m long goods vehicles should be checked. Besides, the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (g) 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;
- (h) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the existing trees would likely be affected by the proposed structural modification/demolition/ construction works due to their proximity to the concerned structures, tree protective measures should be submitted. In addition, if tree felling was involved, tree compensatory and landscape proposal should be submitted. Moreover, the locations of the existing trees as shown on the submitted landscape proposal did not tally with the actual situation as observed during his site inspection. The updated landscape plan should indicate the actual locations of the existing trees;
- (i) to note the comments of the Director of Fire Services that the installation/maintenance/modification/ repair work of fire service installation 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;
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the 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, the prior approval and consent of the 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 of the BO. 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. If new warehouses with ancillary office were proposed, they were considered as temporary buildings subject to control under Building (Planning) Regulation (B(P)R) Part VII. Formal submission under the BO was required for any proposed new works, including any temporary structures. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access 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

- (k) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors 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 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/574 Temporary Community Based Recyclable Collection Centre (including Plastics, Paper and Metals) for a Period of 3 Years in “Residential (Group D)” zone, Lots 1526 (Part), 1528 RP (Part), 1529 RP (Part), 1531 (Part), 1532 (Part) and 1533 (Part) in D.D. 121 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/574)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary community based recyclable collection centre (including plastics, paper and metals) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the northeast and south and in the vicinity of the site, and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;
- (d) four public comments from the representatives of Ping Shan Wai San Tong, the village representative of Tong Yan San Tsuen and a local resident were received during the statutory publication period. The commenters objected to the application mainly on the grounds of environmental impact in terms of dust, malodour, noise nuisance and water pollution, fire hazard, violation of planning intention and illegal occupation of private land; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised below:
- (i) the development was not in line with the planning intention of the “R(D)” zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. It was incompatible with the planned residential use and the existing residential structures scattered in the surrounding areas, in particular those to its northeast and south. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
 - (ii) the application did not comply with the TPB PG-No. 13E in that there were adverse comments from DEP on the application in view of the environmental nuisance of the development on the surrounding sensitive receivers of residential uses, the nearest being at about 20m its northeast, as well as local objections. Moreover, the applicant had not included any technical assessment/proposal in the submission to demonstrate that the proposed development would not generate adverse environmental impact on the surrounding areas; and
 - (iii) although a previous application on the site and 10 similar applications for temporary open storage uses in the same “Residential (Group D)” (“R(D)”) zone had been approved either by the Committee or the Board on review previously, these applications were all approved before 2002, i.e. prior to the promulgation of the TPB PG-No. 13D. Once the 4 categories of site classification had come to effect, site that fell within Category 3 areas without

previous planning approvals would normally not be favourably considered. The approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the “R(D)” zone, causing degradation to the surrounding environment.

165. Members had no question on the application.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings, and for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application did not comply with the Town Planning Board Guidelines for “Application for Open Storage and Port Back-up Uses” (TPB PG-No.13E) in that no relevant technical assessments had been included in the submission to demonstrate that the development would not generate adverse environmental impact on the surrounding areas, and there were adverse departmental comments on and local objections to the application. The development was also not compatible with the current and planned residential use in the surrounding areas; and
- (c) approval of the application, even on a temporary basis, would set an undesirable precedent for similar uses to proliferate into the “R(D)” zone.

The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

Agenda Item 47

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/593 Proposed Temporary Open Storage of Construction Materials and Machinery for a Period of 3 Years in “Undetermined” zone, Lots 1160, 1161, 1163 S.B (Part), 1164 RP (Part), 1174 and 1175 in D.D.119, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/593)

Presentation and Question Sessions

167. Ms. Bonita K.K. Ho, 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 and machinery for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers located in the vicinity of the site, and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;
- (d) two public comments were received during the statutory publication period. The first commenter concerned that the heavy goods vehicles in/out of the application site would cause pollution and safety issue to local residents.

The second commenter was a Yuen Long District Council member who objected to the application as the applicant did not comply with the conditions set in the previous application; and the heavy goods vehicles would cause nuisance to local residents; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there had not been any environmental complaint in the past three years. The applicant also proposed not to operate during night-time between 6:00p.m. to 9:00a.m. and on Sundays and public holidays. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting workshop activities and requiring maintenance of boundary fence were recommended. As for the comments raised by the public, the applicant indicated that he needed to use heavy goods vehicles for operation and sufficient spaces would be provided within the site for loading/unloading and manoeuvring of vehicles. As the site was not far away from Kung Um Road, the traffic impact generated by the use was considered minimal. Relevant approval conditions were also recommended for mitigating the potential environmental impact and shorter compliance periods would be imposed to monitor the progress on compliance with approval conditions.

168. Members had no question on the application.

Deliberation Session

169. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 15.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., 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 during the planning approval period;
- (c) no dismantling, repairing, 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;
- (d) the existing boundary fence on the application site should be maintained at any time during the planning approval period;
- (e) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the application site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 15.9.2012;
- (g) the submission and implementation of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 15.12.2012;
- (h) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 27.7.2012;
- (i) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 15.12.2012;
- (j) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

- (k) if any of the above planning conditions (f), (g), (h) or (i) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) shorter compliance periods were allowed to monitor the progress on compliance with approval conditions;
- (c) sympathetic consideration might not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners concerned would need to apply to LandsD 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 Kung Um Road. His office did not provide maintenance works for this track nor guarantee right-of-way. Part of the government land was temporarily allocated to DSD for the project, namely “PWP Item 4368DS (part-upgraded from 4235DS in May 2009) – Yuen Long South Branch Sewers”;
- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the

lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (g) 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;
- (h) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the 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. For unauthorized building works (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. Before any new building works were to be carried out on the site, the prior approval and consent of the BA should be obtained,

otherwise they were UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. Containers and temporary structures used for office/guardroom/storage were considered as temporary buildings that were subject to control of the BO. Formal submission under the BO was required for any proposed new works, including temporary structures. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulation (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

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors 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 48

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/594 Renewal of Planning Approval for Temporary Open Storage of Construction Materials under Application No. A/YL-TYST/434 for a Period of 3 Years in “Undetermined” zone, Lot 334 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/594)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) renewal of planning approval for temporary open storage of construction materials under application No. A/YL-TYST/434, which would be valid until 19.6.2012, for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures to the northwest of the site and along the access track leading from Shan Ha Road to the site, and environmental nuisance was expected. Other government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of three years for reasons as detailed in paragraph 12 of the Paper. Regarding DEP's comments, there had not been any environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting repairing, dismantling and workshop activities and restricting the type of vehicles used were proposed.

172. Members had no question on the application.

Deliberation Session

173. A Member noted that there was a typo on the proposed approval condition (h) at paragraph 13.2 on P. 11 of the Paper, which should be amended to read as "to the satisfaction of the Director of Planning or of the Town Planning Board by 19.3.2013".

174. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 20.6.2012 to 19.6.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 8:00 p.m. and 7:00 a.m., was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no repairing, dismantling and workshop activities should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes as defined in the Road Traffic Ordinance and tractors/trailers were allowed for the operation of the application site at any time during the planning approval period;
- (e) the existing drainage facilities implemented under Application

No. A/YL-TYST/434 on the application site should be maintained at all times during the planning approval period;

- (f) the submission of a record of the existing drainage facilities on the application 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 19.12.2012;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.12.2012;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 19.3.2013;
- (i) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.8.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.12.2012;
- (k) in relation to (j) above, the implementation of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.3.2013;
- (l) 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;

- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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
- (n) 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.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners would 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 guarantee 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 the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department should not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief 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. Besides, the water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (g) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix VI of the Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) 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 (including containers as temporary buildings) were to be carried out on the site, the prior approval and consent of the 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 of the BO. For 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 planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access under Building (Planning) Regulations (B(P)R) 5 and 41D respectively. 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

- (i) to note the comments of the Director of Electrical and Mechanical Services that based on the information provided by CLP Power Hong Kong Limited (CLPP), there were low voltage and high voltage (11kV) underground cables and LV/11kV pole-mounted transformers within and in the vicinity of the site. 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. Prior to establishing any structure in the vicinity of the electricity supply lines, the applicant and/or his contractors should consult CLPP and, if necessary, ask CLPP to divert the supply lines away from the vicinity of the proposed structure.

[The Vice-chairman thanked Ms. Bonita K.K. Ho, STP/TMYL, for her attendance to answer Members' enquires. Ms. Ho left the meeting at this point.]

Agenda Item 49

Any Other Business

176. There being no other business, the meeting closed at 5:15 p.m..