

TOWN PLANNING BOARD

Minutes of 481st Meeting of the Rural and New Town Planning Committee held at 2:50 p.m. on 25.1.2013

Present

Director of Planning
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Ms. Anita W.T. Ma

Dr. W.K. Yau

Professor K.C. Chau

Dr. Wilton W.T. Fok

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. 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. H.M. Wong

Assistant Director/Hong Kong,
Lands Department
Ms. Doris M.Y. Chow

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

Secretary

Absent with Apologies

Professor Edwin H.W. Chan

Mr. Rock C.N. Chen

Dr. C.P. Lau

Mr. H.F. Leung

In Attendance

Assistant Director of Planning/Board
Ms. Christine K.C. Tse

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

Town Planner/Town Planning Board
Ms. Roberta P.Y. Au

Agenda Item 1

Confirmation of the Draft Minutes of the 480th RNTPC Meeting held on 11.1.2013

[Open Meeting]

1. The Secretary reported that Mr. K.C. Siu proposed to amend the last sentence of paragraph 60 of the draft minutes of the 480th RNTPC meeting held on 11.1.2013 to read as follows:

“In response to this Member’s question, Mr. K.C. Siu replied that the car park would be maintained during the construction and be reprovisioned after completion of the proposed PRH development.”

2. Members had no objection to the proposed amendment and agreed that the minutes were confirmed subject to the incorporation of the proposed amendment.

Agenda Item 2

Matters Arising

[Open Meeting]

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

Sha Tin, Tai Po and North District

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

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/21 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/26 to rezone application site from “Other Specified Uses” annotated “Kowloon Canton Railway” to “Village Type Development”, Lots 137 S.A RP, 137 S.A ss.3 RP, 137 S.A ss.4 RP and 137 S.A ss.5 RP in D.D. 185, Sheung Wo Che, Sha Tin
(RNTPC Paper No. Y/ST/21)

Presentation and Question Sessions

4. The Secretary reported that the application site fell within the ‘Railway Protection Boundary’ of the East Rail Line. Public comment was submitted by the MTRCL (Mass Transit Railway Corporation Ltd.) during the statutory publication period. The following Members had declared interests in this item:

Ms. Janice W.M. Lai - had business dealings with MTRCL

Mr. Ivan C.S. Fu - had business dealings with MTRCL

Mr. K.C. Siu - being an alternate member for the Deputy Secretary for Transport and Housing (Transport)¹ who was a member of the Board of MTRCL

5. As Ms. Lai, Mr. Fu and Mr. Siu had no direct involvement in the subject application, they could be allowed to stay in the meeting.

6. Ms. Jacinta Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN)

and Mr. Anthony Luk, Senior Town Planner/Sha Tin (STP/ST) of the Planning Department, and Mr. Li Wai Kin, the applicant were invited to the meeting at this point.

[Ms. Doris Chow and Ms. Christina Lee arrived the meeting at this point.]

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

- (a) background to the application. The application site was located along the East Rail near the south-eastern periphery of the Sheung Wo Che Village. The applicant proposed to rezone the application site from “OU(KCR)” to “V” in order to facilitate the redevelopment of two squatter houses on the site to Small Houses.

Departmental Comments

- (b) the departmental comments were detailed in paragraph 8 of the Paper and highlighted below:
 - (i) the Director of Environmental Protection (DEP) did not support the application from the environmental planning point of view. The proposed redevelopment site was in close proximity to the East Rail and Tai Po Road and was heavily impacted by rail and traffic noise. Although there were short vertical barriers along the East Rail fronting the site under application, the proposed development/houses would not be protected against noise from the East Rail. The applicant did not submit any information to demonstrate compliance with the Noise Control Ordinance (NCO), which controlled the rail noise. As such, there would be legal implications under NCO should the site become “V” zone where any future development of NTEH were always permitted. Upon receiving complaints from future occupants or tenants, the

controlling authority would need to conduct investigation and subsequent enforcement action should NCO exceedance was identified;

- (ii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective. Nine mature fruit trees were found within the site and provided landscape greenery to the surrounding area. However, according to the preliminary layout, construction of the proposed development might cause adverse impact on the trees. There was no information in the application, such as tree preservation proposal or landscape proposal, to demonstrate no adverse impact on the existing landscape resources within the site. The landscape impact of the proposed rezoning development could not be fully ascertained;

- (iii) the District Lands Officer/Sha Tin, Lands Department (DLO/ST, LandsD) commented that the application site fell within the 'village environs' of four recognized villages (Pai Tau, Tin Liu, Sheung Wo Che and Ha Wo Che). It was currently occupied by three squatter structures of which two were domestic use and one was a porch. The existing squatters on the site were for tolerated structures on agricultural land carrying no building entitlement. There was no available information to show that the applicant was an indigenous villager eligible for a Small House grant. It was also uncertain if the applicant had the right to apply for a land exchange to convert the agricultural land into building status as the applicant was not the owner of the concerned lots but he had only possessory title of those lots;

Public Views

- (c) a total of 15 public comments were received during the three weeks of the statutory publication period. They were from the MTRC, the Residents'

Representative (RR) of the Sheung Wo Che village, the Indigenous Inhabitant Representative (IIR) of the Sheung Wo Che village, owner of the concerned lots and other members of the public;

- (d) the MTRC commented that as the development was very close to the East Rail, noise from train operation might have potential impact on the new occupants. The presence of railway operation should be duly considered in the proposed development such that no restraint on railway operations would be resulted. If approval was given to the application, approval condition should be incorporated to require the applicant to implement adequate noise mitigation measures so as to provide a quality living environment to the future occupants as well as to fulfil the requirements stipulated in the NCO. The applicant should be requested to share with MTRC the result of railway noise assessment and the noise mitigation measures planned at the development site for MTRC's comment. Besides, the application site fell within 'Railway Protection Boundary'. The design and construction of the two houses at the application site should comply with Practice Note for Authorized Persons APP-124 for the protection of MTR railway facilities and operations;
- (e) the RR of the Sheung Wo Che village mainly commented that there were other private lots in the Sheung Wo Che village which were also located along the railway and fell within the "OU(KCR)" zone. The PlanD should consider rezoning all such lots to "V" as a whole and should not consider them individually; and
- (f) the Indigenous Inhabitant Representative (IIR) of the Sheung Wo Che village, owner of the concerned lots and members of the public objected to the application mainly on the grounds that:
 - (i) the structures within the site were only squatters and they should not be regarded as houses;
 - (ii) as the application site was taken over by force. It was not fair for

the Government to change the zoning of the site to fulfil the applicant's own interest;

- (iii) the owner of the concerned lots had not been notified about redevelopment of the site;
- (iv) the site was subject to noise impact of the East Rail. There were existing high voltage electricity cables and valuable trees that need to be preserved;
- (v) the proposed redevelopment would affect the visual amenity of the area; and the applicant had not provided detailed planning reports, survey results or technical assessments to support the application; and
- (vi) approval of the application would set an undesirable precedent.

Planning Department's views

- (g) PlanD did not support the application based on the assessments as stated in paragraph 10 of the Paper and were summarized as follows:
 - (i) the site was located along a footpath near the East Rail. It fell entirely within the 'Railway Protection Boundary' and was only about 15m from the existing railway track to the southeast. Although the proposed Small Houses were considered not incompatible with the village settlements and temporary structures in the area, the proposed development would be subject to rail and traffic noise due to its close proximity to the East Rail and Tai Po Road from the environmental point of view. In this regard, DEP did not support the application;
 - (ii) DLO/ST, LandsD advised that the existing squatters on the site were tolerated structures on agricultural land carrying no building

entitlement. There was no available information to show that the applicant was an indigenous villager eligible for a Small House grant. It was also uncertain if the applicant had the right to apply for a land exchange to convert the agricultural land into building status as the applicant was not the owner of the concerned lots but he had only possessory title of those lots;

- (iii) the CTP/UD&L, PlanD had reservation on the application from the landscape planning point of view as the landscape impact of the proposed development could not be fully ascertained;
- (iv) the site formed part of the strip of land in Sheung Wo Che village zoned “OU(KCR)” on the OZP. There were other private lots in the concerned “OU(KCR)” zone falling within the ‘Railway Protection Boundary’ and they were equally subject to noise impact from the East Rail. Piecemeal rezoning of the site to “V” without strong planning justification and technical assessments was considered inappropriate as it would allow Small Houses to be built very close to the railway track;
- (v) one of the public comments on the application was that if the application was approved, same treatment should also apply to other private lots near the railway under the “OU(KCR)” zone. In this regard, DEP had advised that should the “OU(KCR)” area be rezoned to “V”, houses were always permitted and they would be heavily impacted by rail and traffic noise. Hence, it was considered inappropriate to rezone the other private lots in the “OU(KCR)” zone to “V”.

8. The Chairman then invited the applicant to elaborate on the application. Mr. Li Wai Kin made the following main points:

- (a) he clarified that he did not apply to erect Small Houses on the site. He intended to replace the temporary building materials of the existing

squatters on the site by permanent building materials such as brick, mortar and concrete. However, the LandsD advised that only repair of the existing squatters by temporary building materials was allowed as the site was zoned “OU(KCR)” zone on the OZP;

- (b) only one existing fruit tree on the site would be affected by the proposed redevelopment of the squatters; and
- (c) as the application was not for Small House development, LandsD’s comment that it was necessary for two eligible villagers to apply separately for the two Small House grants was incorrect.

9. A Member asked whether the applicant lived in the squatters on the site and whether he would need to move out of the site if the rezoning application was not agreed by the Committee. In response, Mr. Li Wai Kin replied that he and his family were currently living in the squatters on the site. Even if the application was not agreed by the Committee, they would not move out of the site. He then reiterated that his application was only for replacing the temporary building materials of the existing squatters by permanent building materials and to increase the height of the building.

10. Mr. Li Wai Kin continued to point out that some Small Houses were proposed in an area to the north of the Site which was also very close to the railway and therefore subject to rail noise impact. He queried why the Government allowed the erection of those Small Houses, but not his proposed redevelopment of the squatters.

11. A Member enquired about the details of the Small Houses which were mentioned by Mr. Li Wai Kin. In response, Ms. Jacinta Woo referred to Plan Z-2 of the Paper and said that the area adjacent to the site which was zoned “OU(KCR)” mainly consisted of temporary structures. The area to the northwest of the site was the “V” zone of Sheung Wo Che within which Small Houses were always permitted. While she had no information on the Small Houses which were mentioned by Mr. Li Wai Kin at the meeting, she had not received any other s12A rezoning application for rezoning a site within the “OU(KCR)” zone to “V” for Small House development.

12. In response to a Member's query, Mr. Li Wai Kin said that according to the judgment of the High Court in 2006, he had the possessory title of the subject lots. He and his family could live on the site without any time limit.

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

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

13. Mr. Li Wai Kin further pointed out that he had seen a notice about three Small Houses to be built on the sites to the northeast of the application site. Although those Small House sites also fell within the "OU(KCR)" zone, the LandsD had no objection to the Small House applications. However, the LandsD objected to his redevelopment proposal, which only involved replacement the temporary building materials by permanent building materials.

14. In response to the Chairman's enquiry, Ms. Jacinta Woo said that she had not received any application for Small House development within the "OU(KCR)" zone. Ms. Doris M.Y. Chow of LandsD also advised that she had no information on the cases mentioned by Mr. Li Wai Kin. She also pointed out that upon receiving Small House applications, the LandsD would consult the relevant DPOs and seek their comments.

15. A Member asked whether DEP would consider the proposed redevelopment on the site acceptable if the applicant who lived on the site did not regard the rail noise as a problem. In response, Mr. H.M. Wong said that as the site was in close proximity to the East Rail, DEP was concerned about the adverse rail noise impact on the proposed redevelopment on the site. He pointed out that rail noise was controlled under the NCO. If the rezoning application was approved by the Committee and the redevelopment proposal was implemented, the future houses might have occupants other than the existing occupants. While the existing occupants did not regard the rail noise as a problem, the future occupants might lodge complaint about its adverse impact. Upon receiving complaints from the future occupants, the controlling authority would need to conduct investigation and undertake enforcement action if NCO exceedance was identified. Moreover, compliance with the noise standard is a NCO requirement. In view of the above, DEP could not support the subject rezoning application as the applicant did not submit technical assessment and mitigation measure to show NCO compliance.

16. A Member asked if NCO exceedance was identified, whether MTRC would be required to implement noise mitigation measures such as slowing down of trains and retrofitting noise barriers along the railway. In response, Mr. H.M. Wong said that under such circumstances, the MTRC might be required to implement noise mitigation measures. He pointed out that rail noise issue should be avoided at the planning stage. There were examples that the developers proposed to provide mitigation measures such as noise barriers at their sites to overcome the rail noise problem, and those measures were considered acceptable by DEP.

17. Mr. Li Wai Kin said that there would not be new occupants on the site as the redevelopment was not allowed to be sold. He also pointed out that there were 4-m high noise barriers erected by MTRC along the railway to mitigate the rail noise problem.

18. As the applicant 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 PlanD's representative for attending the hearing. They all left the meeting at this point

[The Applicant, Mr. Li Wai Kin, Ms. Jacinta Woo, DPO/STN and Mr. Anthony Luk, STP/ST left the meeting at this point.]

Deliberation Session

19. A Member said that the applicant did not submit noise impact assessment and mitigation measures to demonstrate that the rail noise problem could be properly addressed. The rezoning application should not be supported. In this regard, a Member asked whether the onus of proof that the proposed redevelopment would not be adversely affected by the East Rail rested with the applicant. The Chairman answered in the affirmative.

20. A Member asked if the existing 4m-high noise barriers along the East Rail could mitigate the adverse rail noise impact on the proposed redevelopment on the site. Mr. H.M.

Wong explained that the existing noise barriers were constructed to protect the village houses at the back of the application site further away from the railway. According to the preliminary assessment undertaken by EPD, since the application site was very close to the railway (only about 15m from the existing railway track), the existing noise barriers could only mitigate the rail noise for the ground floor and not the upper floors of the proposed development. Mr. H.M. Wong also pointed out that rail noise problem could be resolved by the provision of appropriate mitigation measures. If the applicant could demonstrate by a noise impact assessment that the noise problem could be addressed with mitigation measure, DEP could tolerate the proposed redevelopment from the environmental planning point of view. However, the applicant did not submit noise impact assessment to support the application.

21. A Member said that while the adverse rail noise impact on the site was a technical problem which might be overcome by the provision of appropriate mitigation measures, from a land use planning point of view, the site was too close to the railway and was not suitable for village type development. This Member considered the “OU(KCR)” zoning of the site was appropriate and should be maintained. This Member also pointed out that the applicant had not submitted strong justification for rezoning the site to “V”.

22. The Secretary also pointed out that the site fell within the ‘Railway Protection Boundary’, which was delineated to safeguard the safety and stability of the railway structures.

23. The Chairman concluded that Members did not agree to the rezoning application as the application site was very close to the railway and subject to adverse rail noise impact. The applicant had not submitted noise impact assessment to demonstrate that the rail noise problem could be fully addressed. The applicant also did not submit tree preservation or landscape proposal to demonstrate that there would be no adverse impact on the existing trees on the site. Members also considered that from the land use planning point of view, the site, being very close to the rail, should not be zoned “V” for village type development. The applicant had not submitted strong justification for the rezoning application. In this regard, the Chairman suggested that adding a reason to reflect the land use planning concern, in addition to the two reasons as recommended in paragraph 11.1 of the Paper. Members agreed.

24. Members then went through the reasons for rejecting the application as stated in paragraph 11.1 of the Paper and agreed that they should be suitably amended to reflect Members' views as expressed at the meeting. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- (a) the site which was in close proximity to the East Rail was not suitable for residential development. There was no strong justification for rezoning the site to "Village Type Development" ("V");
- (b) rezoning of the site to "V" was not appropriate as the proposed Small House development would be subject to unacceptable noise impact from the East Rail. No noise impact assessment or proposal for mitigation measures had been provided in the submission to demonstrate that the rail noise problem could be properly addressed; and
- (c) no tree preservation or landscape proposal had been provided to demonstrate that there would be no adverse impact on the existing landscape resources within the site.

Sai Kung and Islands District

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/SK-PK/2 Application for Amendment to the Approved Pak Kong and Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11 to rezone application site from “Residential (Group C) 2”, “Agriculture”, “Green Belt” to “Other Specified Uses” annotated “Columbarium” and “Green Belt” zones, Lots 1025 S.A, 1025 S.B, 1026 S.A (Part), 1026 RP, 1030 S.A RP (Part), 1030 S.B ss.1 (Part) and Adjoining Government Land in D.D. 217, Mang Kung Wo, Sai Kung
(RNTPC Paper No. Y/SK-PK/2B)

25. The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and MVA Hong Kong Ltd., two of the consultants of the application. As the case was a deferral request, the Committee agreed that Mr. Fu could be allowed to stay in the meeting.

26. The Secretary reported that on 11.1.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address comments from the Commissioner for Transport (C for T) and the Commissioner of Police (C of P).

27. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of the further information, and since this was the third deferment and a total period of six months had been allowed, this was the last deferment of the application.

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

Agenda Item 5

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/SK-PL/3 Proposed Redevelopment of 6 New Territories Exempted Houses in
“Unspecified Use” zone, Lots No. 80, 81 S.A, 81 RP, 88, 89 S.A, 89
S.B., 89 RP, 90, 91 and 92 in D.D. 368, Pak Lap Village, Sai Kung
(RNTPC Paper No. A/DPA/SK-PL/3)

Presentation and Question Sessions

28. Mr. Alex C.Y. Kiu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed redevelopment of six New Territories Exempted Houses (NTEHs);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) five comments raising objection to the application were received during the three weeks of the statutory publication periods. They were from Kadoorie Farm & Botanic Garden Corporation, World Wide Fund for Nature Hong Kong and Designing Hong Kong Ltd. Their objections were mainly on the grounds that the application sites involved “destroy first, build later” activities; there were illegally formed access road within the Country Park; and approval of the proposed redevelopment would affect the landscape

and environment nearby. No local objection/view was received by the District Officer (Sai Kung); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. According to the DLO/SK of LandsD, the subject lots in the application were 'House' lots which were entitled to house development. Approval for rebuilding the subject NTEHs was given by DLO/SK of LandsD on 30.1.2007, prior to the first publication of the DPA Plan. The building entitlement of the sites and previous approval given by DLO/SK could be considered as exceptional circumstances warranting sympathetic consideration of the application. Regarding the public comments that the site involved “destroy first, build later” activities, it was noted that the excavation works in the northern and eastern parts of Pak Lap in 2009 took place prior to the publication of the draft DPA Plan on 30.9.2010. Since the publication of the DPA Plan, there had been no change to the existing condition of the Sites and no further excavation was observed. Regarding the illegally formed access road within Country Park as mentioned in the public comments, the DAFC would follow up under the Country Parks Ordinance (Cap. 208). The DAFC also advised that any proposed widening of the existing footpaths for bringing in vehicles to facilitate the proposed works would not be favoured from the Country Parks perspective. Regarding the public concern on the potential landscape and environment impacts of the proposed redevelopment, both DAFC and CTP/UD&L of PlanD had no objection to the application. It was recommended to stipulate an advisory clause to remind the applicant that he should implement good site practice and confine all construction works within the site to avoid adverse impacts on the woodland within Sai Kung East Country Park. As the vegetation clearance was largely within the government land, the DLO/SK was requested to take follow-up action.

29. Members had no question on the application.

30. 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 25.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission of sewerage proposal and the provision of sewage disposal facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department's (LandsD) that the applicant should be reminded to seek consent from relevant departments before commencement of the relevant works on each lot. Regarding the proposed Houses 3 to 7, Certificates of Exemption (CoEs) in respect of Drainage Works and Site Formation Works had not been issued. The applicant should be reminded that no drainage works, foundation works or superstructure works should commence on the lots concerned. The applicant was required to submit plans formally to the Buildings Authority under the terms of the Buildings Ordinance (BO) for the approval of such site formation and drainage works unless separate CoEs were issued by this office in respect of such works;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that there was no vehicular road access to the village. The applicant should be reminded that any proposed works that encroach onto Country Park areas required prior permission from the Country and Marine Parks Authority (CMPA). In addition, any proposed widening of the

existing footpaths for bringing in vehicles to facilitate the proposed works would not be favoured from the Country Parks perspective; and apply to the CMPA for those parts of the sites falling within the Sai Kung East Country Park (SKECP). The applicant should implement good site practice and confine all construction works within the Sites to avoid adverse impacts on the woodland within SKECP;

- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the Site was within an area where there was no DSD's sewerage connection available in the vicinity at present. The applicant was required to provide sewage disposal facilities;
- (d) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works were subject to compliance with BO. Authorized Persons and Registered Geotechnical Engineers must be appointed for the site formation and communal drainage works; and
- (e) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD.

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/129 Proposed House (New Territories Exempted House) in “Green Belt” zone, Lot 103 in D.D. 333, Shap Long Kau Tsuen, Lantau Island
(RNTPC Paper No. A/SLC/129)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view. As approval of the application would set an undesirable precedent for other similar applications leading to further encroachment within the “GB” zone, the cumulative effect of approving similar applications would result in general degradation of the environment;
- (d) two public comments raising objection to the application were received from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited during the three weeks of the statutory publication period. They objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone; approval of the application would set an undesirable precedent; and there was a lack of infrastructure and facilities such as road, parking facilities, sewerage and drainage facilities to support further development. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. The site comprised a house lot. As advised by DLO/Is of LandsD, a development of three storeys with built-over area not exceeding 60m² and a building height of not higher than 8.23m was permitted under the lease. Such exceptional circumstances warranted sympathetic consideration of the

application according to the Interim Criteria for Consideration of Application for New Territories Exempted House/ Small House in the New Territories and the Town Planning Board Guidelines No. 10 for Application for Development within “GB” zone under section 16 of Town Planning Ordinance. Regarding the concern from the CTP/UD&L, PlanD on the potential landscape impact of the proposed development, an approval condition on the submission and implementation of a landscape proposal including tree preservation proposal was recommended. Regarding the public comments raising objections to the application, it should be noted that the application warranted sympathetic consideration in view of the building right of the site under the lease, and the concerned departments had no adverse comments on to the application.

33. In response to a Member’s concern on the potential adverse impact of the proposed development on a fruit tree outside the site, Mrs. Margaret W.F. Lam said that similar concern had been raised by the CTP/UD&L, PlanD. Based on the advice of the CTP/UD&L, PlanD, an approval condition requiring submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the Board was recommended. Mrs. Lam also said that as the area of the application site was about 80m² and the covered area did not exceed 60m², there was flexibility for the applicant to review the location of the proposed house within the site with a view to minimise its adverse impact on the fruit tree outside the site. In this regard, an advisory clause reminding the applicant to review the location of the proposed house within the site to minimising its impact on the fruit tree was recommended.

Deliberation Session

34. In response to a Member’s question, Mrs. Margaret W.F. Lam said that it was not necessary for the applicant to be an indigenous villager as the application was for a proposed NTEH, but not a Small House. Ms. Doris M.Y. Chow supplemented that any person who owned a ‘house’ lot could build a house under the lease.

35. 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 25.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comment of the District Lands Officer/Islands, Lands Department (DLO/Is, LandsD) that the applicant was required to submit a report prepared by his authorized land surveyor to delineate the position and the built-over area of the proposed redevelopment, which should make reference to the records of DD sheet to DLO/Is for consideration;
- (b) to note the comment of the Chief Town Planner/Urban Design and Landscape, Planning Department that the location of the proposed house should be reviewed to minimize the adverse impact on the adjacent fruit tree, and approval of tree preservation proposal or pruning proposal for the tree location on the government land should be obtained from the LandsD prior to commencement of work; and
- (c) to note the comment the Chief Building Surveyors/New Territories East (1) and Licensing, Buildings Department on the exemption criteria for site formation works for New Territories Exempted House developments as stipulated in the Practice Notes for Authorized Persons and Registered Structural Engineers (PNAP) APP-56.

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

Agenda Item 7

Section 12A Application

[Open Meeting]

Y/ST/20 Application for Amendment to the Approved Sha Tin Outline Zoning Plan No. S/ST/26 to rezone application site from “Village Type Development” to “Government, Institution or Community (1)”, Lots 3, 4, 312 and 313 RP (Part) in D.D. 185 and adjoining Government Land, Pai Tau Village, Sha Tin
(RNTPC Paper No. Y/ST/20)

37. The Secretary reported that on 7.1.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time to prepare planning and technical assessment for the consideration of Town Planning Board (TPB).

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

[Ms. Maggie M.Y. Chin, Mr. Otto K.C. Chan, Miss Jessica K.T. Lee and Mr. Anthony K.O. Luk, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

Agenda Item 8 and 9

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/216 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 1484 S.H in
D.D. 92, Tsung Pak Long Village, Sheung Shui
(RNTPC Paper No. A/FSS/216)

A/FSS/217 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Lot 1484 S.D in
D.D. 92, Tsung Pak Long Village, Sheung Shui
(RNTPC Paper No. A/FSS/217)

Presentation and Question Sessions

39. The Committee noted that these two applications were similar in nature and the application sites were close to each other. The Committee agreed that these two applications could be considered together.

40. Ms. Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) under each of Application No. A/FSS/216 and 217;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the perspective of agricultural development as there were active farming activities in the vicinity of the application sites, and the sites had high potential for agricultural rehabilitation. The Chief Town Planner/Urban

Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape planning perspective as the approval of the applications would encourage more NTEH applications and this would extend the village area onto the “Green Belt” (“GB”) zone. The landscape quality of the area would deteriorate and intactness of the “GB” zone would be undermined;

- (d) no local objection/view was received by the District Officer (North). During the three weeks of the statutory publication period, four public comments on each of the applications were received. One of the four public comments was received from a North District Council (NDC) member who supported the applications as the applications would facilitate the construction of house by the concerned villagers. Three other public comments from a NDC member, Kadoorie Farm and Botanical Garden (KFBG) and Designing Hong Kong Limited raised objection to the applications mainly on the following grounds:
- (i) the proposed Small House should be kept within the “V” zone and the “GB” zone should be left untouched;
 - (ii) the application site was partly zoned “GB” and the proposed development did not comply with TPB PG-No. 10. Approval of the application would set an undesirable precedent for similar developments within “GB”;
 - (iii) there was a lack of plan for a sustainable village layout to ensure the health and well being of current and future residents;
 - (iv) it failed to provide sewerage system and the cumulative impact of seepage from septic tanks would impose adverse impact to the ground water and nearby water bodies;
 - (v) inadequate access and parking space provision would cause conflicts amongst villagers / residents. The Lands Department should only

approve new Small Houses when there was confirmation that adequate access and parking space were available;

- (vi) the owner of Lot 1484 was not a villager of Tsung Pak Long Village; and
 - (vii) approval of the application would encourage more Small House development and a Grade 1 historic building at Hak Ka Wai would be affected. It would destroy the natural landscape of Hakka Wai.
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as detailed on paragraph 12 of the Papers. Although the DAFC did not support the applications and CTP/UD&L, PlanD raised concerns on the applications, it was noted that about 100% and 90.9% of the footprint of the proposed Small Houses fell within the “V” zone of Tsung Pak Long Village, under Applications No. A/FSS/216 and 27 respectively. The proposed Small Houses complied with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that more than 50% of the footprint of the proposed Small House fell within the “V” zone of Tsung Pak Long Village and there was insufficient land within the “V” zone to meet the Small House demand. Moreover, the proposed Small House were not incompatible with the surrounding environment, which was predominantly rural in nature with existing village houses. Hence, sympathetic consideration could be given to the applications. Although the proposed Small House were not in line with the planning intention of the “GB” zone, they generally complied with the Town Planning Board Guidelines for Application for Development within Green Belt Zone under Section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the application sites were in close proximity to existing Tsung Pak Long Village and there was insufficient land to meet the Small House demand. Besides, similar applications (No. A/FSS/192, 207, 213, 214 and 215) for Small House development partly within the same “GB” zone in the vicinity of the application site had also been approved with conditions by the Committee.

There had been no material change in planning circumstances for the area since the approval of these five similar applications. Regarding the adverse public comments, it was considered that the proposed Small Houses would not have significant adverse traffic, environmental, drainage and landscape impacts on the area and the relevant government departments had no adverse comment on or no objection to the application. For the public concern on the impact of the proposed Small House on the Grade I historic building at Hak Ka Wai, it was noted that the historic building was located about 100m to the further west of the application sites and it was considered that Hak Ka Wai would not be affected by the proposed Small Houses.

41. Members had no question on the applications.

Deliberation Session

42. After deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission of each of the applications should be valid until 25.1.2017, 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 of each of the applications was subject to the following conditions :

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

43. The Committee also agreed to advise the applicant of each of the applications 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. The Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities of the proposed development;

- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) 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 WSD flood pumping gathering ground;
- (c) to note the comments of the Director of Fire Services to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD) and detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; 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 Items 10 to 15

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/332 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.A in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/332 to 337)

A/NE-KTS/333 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.B in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/332 to 337)

A/NE-KTS/334 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.C in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/332 to 337)

A/NE-KTS/335 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.D in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/332 to 337)

A/NE-KTS/336 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.E in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/332 to 337)

A/NE-KTS/337 Proposed House (New Territories Exempted House - Small House) in “Agriculture” zone, Lot 420 S.F in D.D. 100, Tsiu Keng, Sheung Shui (RNTPC Paper No. A/NE-KTS/332 to 337)

Presentation and Question Sessions

44. The Committee noted that these six applications were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that these six applications could be considered together.

45. Ms. Maggie M.Y. Chin, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) under each of the Applications No. A/NE-KTS/332, 333, 334, 335, 336 and 337;
- (c) departmental comments – departmental comments on the six applications were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active agricultural activities were observed in the application sites and their vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape perspective as approval of the applications might set an undesirable precedent of spreading village development outside the “V” zone and thus erode the rural landscape character;
- (d) no local objection/view was received by the District Officer (North). During the three weeks of the statutory publication period, five public comments from two North District Council (NDC) members, Kadoorie Farm and Botanical Garden (KFBG), Designing Hong Kong Limited and a member of the general public were received on all six applications. One of the NDC members indicated that he had no comment and the other NDC member supported the applications as it would facilitate the construction of houses by concerned villagers. KFBG, Designing Hong Kong Limited and a member of the general public objected to the six applications mainly on the grounds that some of the application sites and the surrounding areas were still active farmland and the proposed developments would harm the

current or potential farming in Hong Kong; approval of the applications would set an undesirable precedent for similar developments within the “AGR” zone; there was a lack of plan for sustainable village layout to ensure the health and well being of current and future residents; the proposed developments without the provision of sewerage system would impose adverse impact on the ground water and nearby water bodies; the inadequate access and parking space provision would cause conflicts amongst villagers / residents; land filling had been conducted at some land and the Town Planning Board or PlanD should clarify if it was unauthorized development; and the Government should take all possible steps to protect Hong Kong’s active, abandoned, and illegally covered agricultural land;

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments as detailed in paragraph 11 of the Paper and summarized as follows:
 - (i) the proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The six application sites were under active cultivation and surrounded by active and fallow agricultural land to the east, south, west and north. In this regard, DAFC did not support the six applications from an agricultural development standpoint as active agricultural activities were observed in the application sites and their vicinity. There was no strong planning justification in the submission for a departure from the planning intention;
 - (ii) although more than 50% of the footprints of all the six proposed Small Houses fell within the ‘VE’ of Tsiu Keng Village and there was insufficient land within the “V” zone of the same village to meet the Small House demand, the six application sites were located in a green area further away from the village proper of Tsiu Keng Village

and were part and parcel of a larger agricultural land under active cultivation in Tsiu Keng. Hence, the proposed Small Houses were not entirely in line with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories in that they would frustrate the planning intention of the “AGR” zone. As there were still 2.41 ha of land (about 96 Small House sites) within the “V” zone of Tsiu Keng Village for Small House development, it was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. There were also local objections to the application on environmental grounds

46. Members had no question on the application.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone in Kwu Tung South area which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submission for a departure from the planning intention; and
- (b) land was still available within the “Village Type Development” zone of Tsiu Keng Village where land was primarily intended for Small House development. 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 infrastructure and services.

Agenda Items 16 and 17

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTN/163 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1355 R.P. in D.D. 95, Ho Sheung Heung,
Sheung Shui

(RNTPC Paper No. A/NE-KTN/163 and 164)

A/NE-KTN/164 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” zone, Lot 1355 S.A in D.D. 95, Ho Sheung Heung,
Sheung Shui

(RNTPC Paper No. A/NE-KTN/163 and 164)

Presentation and Question Sessions

48. The Committee noted that these two applications were similar in nature and the application sites were located in close proximity to one another. The Committee agreed that these two applications could be considered together.

49. Mr. Otto K.C. Chan, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House - Small House) under each of the Applications No. A/NE-KTN/163 and 164;

- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the two applications from the agricultural development point of view as the application sites had high potential for agricultural rehabilitation. Other concerned departments had no objection to or adverse comment on the applications;

- (d) no local objection/view was received by the District Officer (North). During the three weeks of the statutory publication period, three public comments on each of the applications were received from a member of the public, Kadoorie Farm and Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited. The member of the public supported the two applications. KFBG and Designing Hong Kong Limited objected to both applications mainly on the grounds that the two proposed Small House developments were not in line with the planning intention of “AGR” zone and the approval of the applications would set undesirable precedent; they would have adverse landscape, ecological, environmental, sewerage, traffic and drainage impacts on the surrounding areas; they were incompatible with the rural setting of the area; the area of agricultural land in Hong Kong should not be further reduced in order to secure a stable food supply; and there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area; and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 12 of the Paper. The applications generally met the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in the New Territories in that the footprints of the two proposed Small Houses under applications fell entirely within the ‘VE’ of Ho Sheung Heung Village, and there was insufficient land within the “V” zone of the village to meet the Small House demand. Hence, sympathetic consideration could be given to the applications. Although the proposed Small Houses were not in line with the planning intention of the “AGR”

zone and DAFC did not support the applications from the agricultural development point of view, it was considered that they were not incompatible with the surrounding area as the village proper of Ho Sheung Heung Village was located only approximately 100 m to the west of the sites. In addition, similar applications for Small House developments within the same “AGR” zone had been approved with conditions by the Committee. It was not anticipated that the proposed Small Houses would cause significant adverse environmental, drainage, traffic and landscape impacts on the surrounding area. Concerned government departments, including DEP, C for T, CE/MN of DSD, and CTP/UD&L of PlanD had no adverse comment / no objection to the applications. Regarding the public comments on the applications, it was considered that the proposed Small Houses would not cause adverse impacts and concerned government departments had no objection to the applications.

50. In response to a Members’ question, Mr. Otto Chan referred to Photo no.2 on Plan A-4a of the Paper and said that the pond next to the application site was not a fish pond and had been abandoned for some time. The outstanding Small House applications and 10-year Small House demand for the Ho Sheung Heung Village were 62 and 700 respectively. The application sites were located to the east of Ho Sheung Heung Village. They fell outside the “V” zone but within the ‘VE’.

Deliberation Session

51. A Member said that the sites of the subject applications as well as the sites of Applications No. A/NE-KTS/332 to 337 considered by the Committee under item 10 to 15 were all zoned “AGR” on the OZP. They were also similar in that there was sufficient land within the “V” zone to meet the outstanding Small House applications, but not the 10-year Small House demand of the indigenous villagers. However, the PlanD had no objection to the subject applications but did not support the Applications No. A/NE-KTS/332 to 337.

52. In response, the Secretary said that in considering planning applications for Small

House development, the Committee would take into account relevant factors and considered the applications on individual merits. Apart from whether there was sufficient land within the “V” zone to meet the Small House demand, the Committee would also take into account factors such as the location and condition of the sites. For Applications No. A/NE-KTS/332 to 337, the sites were far away from the Tsiu Keng Village proper. They were still under active cultivation and formed part of a large cultivated land in the area. No similar application for Small House development in that part of the “AGR” zone had been approved by the Committee, and approval of the applications would set an undesirable precedent. On the contrary, the subject application sites were close to the village proper of Ho Sheung Heung Village, and similar applications for Small House developments in close proximity to the application sites had been approved by the Committee before. There had not been any material change in planning circumstances for the area since the approval of those similar applications.

53. After deliberation, the Committee decided to approve the two applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 25.1.2017, 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 of each of the applications was subject to the following conditions :

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

54. The Committee also agreed to advise the applicant of each of the applications of the following :

- (a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal

facilities for the proposed development;

- (b) to note the comments of the Director of Fire Services' as follows:
 - (i) the applicant was reminded to observe the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by the Lands Department (LandsD); and
 - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department as follows:
 - (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection;
 - (ii) 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;
 - (iii) the application site was within the flood pumping gathering ground;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should be reminded to take precautionary measures to avoid causing any adverse impacts on the Ho Sheung Heung Priority Site including the adjacent fish pond, particularly during the construction phase; 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.

[The meeting was adjourned for a break of 3 minutes.]

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

Agenda Item 18

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/495 Renewal of Planning Approval for Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Agriculture” zone, Lot 1495 S.B RP in D.D. 76, Ng Uk Tsuen, Sha Tau Kok Road, Fanling
(RNTPC Paper No. A/NE-LYT/495)

Presentation and Question Sessions

55. Mr. Otto K.C. Chan, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval under Application No. A/NE-LYT/414 for temporary public vehicle park for private cars and light goods vehicles for a period of three years;
- (c) departmental comments – concerned 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 three weeks of the statutory publication period. The District Officer (North) had advised that the Chairman of Fanling District Rural Committee (FDRC), the Indigenous Inhabitants Representative (IIR) and Residents Representative (RR) of Kan Tau Tsuen, and the IIR and RR of Hung Leng had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the applied use could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper.

56. Members had no question on the application.

Deliberation Session

57. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 5.3.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the existing vehicular access, parking and manoeuvring spaces within the application site should be maintained at all times during the planning approval period;
- (b) 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 6.9.2013;
- (c) in relation to (b) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 6.12.2013;

- (d) the submission of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 6.9.2013;
- (e) in relation to (d) above, the implementation of landscape and tree preservation proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 6.12.2013;
- (f) if 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.

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

- (a) to note the District Lands Office/North, Lands Department's comments on the following:

to apply to his office a Short Term Waiver for the regularization of the unauthorized container-converted site office erected on the application site;
- (b) to note the Chief Engineer/Development(2), Water Supplies Department's comment that the application site was located within the flood pumping gathering ground;
- (c) to note the Director of Fire Services's comment that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, fire service installations (FSIs) would need to be installed. Except where building

plan was circulated to the Centralised Processing System of Buildings Department, the applicant was required to send the relevant layout plans to his Department incorporated with the proposed FSIs for approval. The applicant should note that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans. The applicant would need to subsequently provide such FSIs according to the approved proposal; and

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

Agenda Item 19

Section 16 Application

[Open Meeting]

A/NE-TKL/418 Temporary Open Storage of Construction Materials (Steel Bars) for a Period of 3 Years in “Agriculture” zone, Lots 10 (Part) and 11 RP (Part) in D.D. 46, Sha Tau Kok Road - Ma Mei Ha
(RNTPC Paper No. A/NE-TKL/418)

59. The Secretary reported that on 4.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to prepare further information to address the technical concerns from the Transport Department, Water Supplies Department and Drainage Services Department.

60. 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 20

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/422 Proposed 3 Houses (New Territories Exempted Houses) in
 “Agriculture” zone, Lot 1113 S.A in D.D. 82, Ping Che Road, Ta Kwu
 Ling
 (RNTPC Paper No. A/NE-TKL/422)

Presentation and Question Sessions

61. Mr. Otto K.C. Chan, STP/STN said that one replacement page (Page 11) of the Paper was tabled at the meeting for Members’ information. Mr. Chan then 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);
- (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 from an agricultural development perspective as the agricultural life in the vicinity of the site was active and the site was of high potential for agricultural rehabilitation. The Project Manager/New Territories North and West, Civil Engineering and Development Department (PM/NTN&W, CEDD) and the Chief Town Planner/Studies & Research, Planning Department (CTP/SR, PlanD) did not support the application as the application site fell within an area

earmarked for “Other Specified Uses (Special Industry)” of Ping Che/Ta Kwu Ling New Development Area (PC/TKL NDA) under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study). It was not in line with the planning objectives and landuse proposals of the PC/TKL NDA;

- (d) there public comments were received during the three weeks of the statutory publication period. One of the comments was received from a North District Council member supporting the application as it was good for the villagers. The other two comments were from Kadoorie Farm and Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited raising objection to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the application site was involved in ‘Destroy First, Build Later’ activities as there were suspected site formation and vegetation clearance in 2006 and 2008 respectively; the area of agricultural land in Hong Kong should not be further reduced; and there was a lack of sustainable layout of infrastructure, access, parking spaces and amenities for the area;
- (e) the District Officer (North) advised that the incumbent North District Council member and Indigenous Inhabitant Representative (IIR) of Tong Fong had no comment on the application while the Vice-Chairman of the Ta Kwu Ling District Rural Committee (TKLDRC) and the Resident Representative (RR) of Tong Fong raised objection on the ground that the application site fell within an area designated “Sewage Pumping Station” under the North East New Territories New Development Areas Planning and Engineering Study (the NENT NDAs Study), which was not suitable for building houses; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper and summarised as follows:
 - (i) the proposed development was not in line with the planning

intention of the “AGR” zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was active and fallow agricultural land to the immediate west of the site. In this regard, the DAFC did not support the application from an agriculture development perspective;

- (ii) the applicant claimed that the proposed NTEHs would provide on-farm accommodation facilitating agricultural use on the site. According to the applicant’s proposal, the ground floor of the NTEHs would be raised to 2m high to enable more land available for agricultural use with the existing asphalt paving replaced by fertile soil. However, no detailed information had been provided by the applicant to demonstrate how the NTEHs and the raised ground floor design would facilitate agricultural use on the site. In this regard, the DAFC advised that it was not practical from the perspective of cost and benefit for growing common crops on ground floor under the building as artificial lighting might be required;
- (iii) the site was located far from the Tong Fong Village cluster. There was no similar application approved in the vicinity of the application site within the same “AGR” zone. Approval of the application would set an undesirable precedent and encourage other similar applications for NTEH spreading into the “AGR” zone, thereby defeating its planning intention to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area;
- (iv) the application site fell within an area earmarked for “Other Specified Uses (Special Industry)” of PC/TKL NDA under the NENT NDAs Study. The PM/NTN&W of CEDD and the CTP/SR

of PlanD did not support the application that as the proposed NTEHs were not in line with the planning objectives and land use proposals of PC/TKL NDA; and

- (v) regarding the comment that the application site might involve in ‘destroy first, build later’ activity, the site was subject to planning enforcement action for unauthorized storage use. Enforcement Notice was issued on 16.7.2009 and Compliance Notice was issued on 23.4.2010, the application site currently was not involved in any active enforcement case.

62. In response to a Member’s question, Mr. Otto Chan said it was not necessary to assess the application against the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories as the application was not for Small House but NTEH development.

Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Ta Kwu Ling area which was primarily to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes; and
- (b) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

[Ms. Janice W.M. Lai left the meeting at this point.]

Agenda Item 21

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-YTT/1 Proposed Village Office in “Unspecified Use” zone, Government
Land in D.D. 27, Luen Yick Fishermen Village, Tai Po
(RNTPC Paper No. A/DPA/NE-YTT/1)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed village office;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 7 of the Paper;
- (d) no public comment was received during the three weeks of the statutory publication period and the District Officer (Tai Po) had no objection to the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments in paragraph 9 of the Paper.

65. Members had no question on the application.

Deliberation Session

66. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the site would be available for the proposed village office upon completion of the slope improvement works which was scheduled for 31.1.2014;
- (b) to note the comments of the Commissioner for Transport that the existing village access connecting the site to Sam Mun Tsai Road was not under the Transport Department's management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant land and maintenance authorities accordingly in order to avoid potential land disputes;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There was existing public sewerage for connection in the vicinity of the site currently. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;

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

- (e) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements would be formulated during land grant stage;

- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make submissions in respect of site formation works to the LandsD/Buildings Department in accordance with the provisions of the Buildings Ordinance; and

- (g) 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 22

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/448 Proposed Public Utility Installation (Sewage Pumping Station) in
“Village Type Development” and “Green Belt” zones, Government
Land in D.D. 9, Nam Wa Po, Tai Po
(RNTPC Paper No. A/NE-KLH/448)

Presentation and Question Sessions

68. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with the applicant, the Drainage Services Department (DSD). Members noted that Ms. Lai had already left the meeting.

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – concerned 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 three weeks of the statutory publication period and the District Officer (Tai Po) had no objection to the application;
- (e) no public comment was received during the three weeks of the statutory publication period. The District Officer (Tai Po) commented that as the site fell partly within the “V” zone, the applicant was advised to discuss with the Indigenous Inhabitant Representative and the Village Representative of

Nam Wa Po on the details of the proposed development; and

- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the applications based on the assessments as detailed in paragraph 9 of the Papers. Regarding the comments of the District Officer (Tai Po), an advisory clause to advise the applicant to discuss with the Indigenous Inhabitant Representative and the Village Representative of Nam Wa Po on the details of the proposed development was recommended.

70. Members had no question on the application.

Deliberation Session

71. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

72. 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 there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (b) to note the conditions as required by the Water Supplies Department in Appendix III of the Paper;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by Buildings Department. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that there were three mature Camphor trees to the west of the site, which were outside the site boundary. The applicant was advised to avoid impact on these trees especially their root systems;
- (e) to note the comments of the District Officer/Tai Po, Home Affairs Department that the applicant was advised to discuss with the Indigenous Inhabitant Representative and the Village Representative of Nam Wa Po on the details of the proposed development; and
- (f) 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/449 Proposed Public Utility Installation (Sewage Pumping Station) in
“Agriculture” zone, Lot 667 RP (Part) in D.D. 7 and Adjoining
Government Land, Wai Tau Tsuen, Tai Po
(RNTPC Paper No. A/NE-KLH/449)

Presentation and Question Sessions

73. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with the applicant, the Drainage Services Department (DSD). Members noted that Ms. Lai had already left the meeting.

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

- (a) background to the application;
- (b) the proposed public utility installation (sewage pumping station);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 8 of the Paper;
- (d) no public comment was received during the three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 10 of the Paper.

75. Members had no question on the application.

Deliberation Session

76. 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 25.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

of the Director of Drainage Services or of the TPB;

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

77. 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 there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
- (b) to note the conditions as required by the Water Supplies Department in Appendix III of the paper;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by the Buildings Department. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans; and
- (d) 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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/450 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” and “Village Type Development” zones, Lot 433 S.A
ss.6 in D.D. 9, Yuen Leng, Tai Po
(RNTPC Paper No. A/NE-KLH/450)

Presentation and Question Sessions

78. Miss Jessica K.T. Lee, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 and Appendix V of the Paper;
- (d) one public comment was received from Designing Hong Kong Limited during the three weeks of the statutory publication period. It raised objection to the application mainly on the grounds that the site was partly zoned “AGR”; the planning intention of the “AGR” zone and the character of the area were incompatible with urban sprawl; there was no sustainable layout plan for the area; and approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. As regards to the issue on planning intention and urban sprawl raised in the public comment, it was considered that the proposed development was in compliance with the Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories and not incompatible with the surrounding area. Concerned Government departments including DAFC and CTP/UD&L of Plan had no adverse comment on the application.

79. Members had no question on the application.

Deliberation Session

80. 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 25.1.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Director of Environmental Protection that the septic tank and soakaway system should be constructed in the “Village Type Development” (“V”) zone and in compliance with the Professional Persons Environmental Consultative Committee Practice Notes (ProPECC PN) 5/93 requirements including the 30m minimum clearance distance from watercourse. The proposed house should be connected to the planned sewerage system when it was available. Adequate land should be reserved for the future sewer connection work;
- (b) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots;

- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site was close to the adjoining Fanling Highway, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc.) from the public roads, and assess the impact caused by the Tolo Highway/Fanling Highway Stage 2 works on the proposed development and implement necessary measures;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the proposed septic tank and soakaway system should be located within the “V” zone and the applicant should connect the whole of the foul water drainage system to the planned public sewerage system upon its completion. Since the proposed New Territories Exempted House (NTEH)/Small House itself was less than 30m from the nearest water course, the house should be located as far away from the water course as possible. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds. The whole of foul effluent from the proposed NTEH/Small House should be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes. 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;

- (f) to note the comments of the Director of Fire Services that the applicant was reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department. Detailed fire safety requirements would be formulated during land grant stage; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/469 Social Welfare Facility (Private Residential Care Home for People with Physical and Mental Disabilities and Ex-mentally Ill People) in "Village Type Development" zone, Lot 245 RP (Part) in D.D. 19, Chung Uk Tsuen, Lam Tsuen, Tai Po
(RNTPC Paper No. A/NE-LT/469)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the social welfare facility (private residential care home for people with physical and mental disabilities and ex-mentally ill people);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) three public comments raising objections were received during the three weeks of the statutory publication period. The comments from Lam Tsuen Valley Committee and Tai Po Rural Committee strongly objected to the application mainly on social nuisance, security, traffic and environmental grounds. The other comment submitted by four village representatives of San Uk Tsai and Chung Uk Tsuen together indicated that they objected to the application to preserve the existing rural environment and safeguard the benefit of the villagers. The District Officer (Tai Po) advised that verbal complaints on the private residential care home were received and referred to the Social Welfare Department (SWD) to follow up;
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. It was considered that the residential nature of the private residential care home with 24 proposed beds within an existing NTEH was not incompatible with the surrounding developments which were mainly village houses. Regarding the public comments against the application mainly on social nuisance, security, traffic and environmental grounds, it was noted that the subject private residential care home at the site had been in service since March 2001 and its surrounding area had been fenced off. Concerned Government departments, including D of SW, C of P, C for T and DEP had no adverse comment on the application. As regards the verbal complaints from the concerned village received by the DO/TP, HAD, the complaints had been referred to SWD to follow up.

83. Members had no question on the application.

Deliberation Session

84. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.1.2017, 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) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) 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.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;
- (b) to note the comments of the District Lands Officer/Tai Po, Lands Department that the applicant should fully observe and comply with the conditions imposed under the Building Licence No. 12/87;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that septic tank and soakaway pit system might be

permitted to be used as an interim measure for foul effluent disposal before public sewers were available subject to the approval of the Director of Environmental Protection (DEP). Any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds. The proposed septic tank and soakaway system should be within the "Village Type Development" ("V") zone;

- (d) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement should comply with Section 6, Part D of the "Code of Practice for Fire Safety in Buildings 2011" administered by the Buildings Department. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drain was not available for connection in the vicinity of the Site; the proposed drainage works, whether within or outside the Site boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and public sewerage system was not currently available for connection in the vicinity of the Site;
- (f) to note the comments of DEP that the septic tank and soakaway system should be provided in the "V" zone; sewer connection should be proceeded when the future public sewer was available; and adequate land should be reserved for the future sewer connection work; and

- (g) 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 application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
 - (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 structures; and
 - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 26

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/425 Proposed House (New Territories Exempted House - Small House) in
“Green Belt” and “Village Type Development” zones, Government
Land in D.D. 28, Lung Mei, Tai Po
(RNTPC Paper No. A/NE-TK/425)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed House (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the nature conservation point of view as the site was a wooded area with some native trees, the proposed development would require tree felling/trimming and site formation works on the edge of a woodland. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning perspective as the site was situated at the foot of the vegetated slope and overgrown with shrubs and small tree, and the construction of the proposed Small House would require vegetation clearance and some potential slope cutting. Although there were approved Small Houses adjacent to the subject site, approval of the application would further encourage Small House developments into the dense woodland, and degradation of landscape quality outside the village boundary of Lung Mei.;

- (d) two public comment from Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation were received during the three weeks of the statutory publication period. They raised objections to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and did not comply with the TPB PG-No. 10; the approval of the application would set an undesirable precedent for similar applications; and as there were many Small House applications approved within the subject “GB” zone, the Board should consider the potential cumulative impacts on the surrounding area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Although the DAFC and CTP/UD&L of PlanD had reservation on the potential adverse impact on the woodland area, it was noted that the site was located at the fringe of the subject “V” zone and village ‘environs’ and approval of the application would unlikely cause further encroachment of Small House development into the woodland area to the north of the site. To address the concerns, an advisory clause to remind the applicant to avoid any potential impacts caused by the proposed development on the nearby woodland was recommended. Regarding the public concerns on the potential adverse impacts on the subject “GB” zone, concerned government departments, including the DLO/TP of LandsD, DEP, CE/MN of DSD, CE/Dev(2) of WSD and H(GEO) of CEDD, had no objection to or adverse comment on the application.

87. Members had no question on the application.

Deliberation Session

88. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 25.1.2017, and after the said date, the permission should cease to have

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

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

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

- (a) to avoid any potential impacts caused by the proposed development on the nearby woodland;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no existing public drains available for connection in the area. The applicant was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was existing public sewerage available for connection in the vicinity of the site;
- (c) to note the comments of the Director of Environmental Protection that the applicant was advised to connect the sewer from the development to the public sewer at his own cost;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant might need to extend their 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;
- (e) to note the comments of the Director of Fire Services the applicant was

reminded to observe ‘New Territories Exempted House – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated during land grant stage;

- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) 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 27

Section 16 Application

[Open Meeting]

A/NE-TK/427 Temporary Barbecue Site For a Period of 3 Years in “Agriculture” and on area shown as “Road”, Various Lots in D.D. 17 and Adjoining Government Land, Ting Kok Road, Tai Po
(RNTPC Paper No. A/NE-TK/427)

90. The Secretary reported that on 8.1.2013, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time to prepare supplementary information for the application.

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 one month was allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/804 Proposed Office in “Industrial” zone, Workshop 1-4, 8/F, Shing Chuen
Industrial Building, 25-27 Shing Wan Road, Sha Tin
(RNTPC Paper No. A/ST/804)

Presentation and Question Sessions

92. Mr. Anthony K.O. Luk, STP/STN drew Member’s attention that an Appendix 3 of the Paper was tabled at the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed office;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Fire Services (D of FS) objected to the application as he considered the activities carried out in the premises under application was a “religious institution” instead of an “office”. Religious institution use within an industrial building was unacceptable because it would attract persons who could be exposed to fire risk which they would neither be aware of nor prepared to face. These

persons included the old, infirm, children and those whose nature of work was unrelated to the activities in the subject building. The Director of Environmental Protection (DEP) also did not support the application as the application site was situated within an active industrial building within “I” zone on the OZP and the applicant would use the office cum workshop area to provide pottery and handicraft making, song writing and musical practice venue for its occupants, similar to that of an educational institution. These occupants would become air and noise sensitive receivers. There was no technical information in the application to demonstrate that these occupants would not be subject to adverse air quality and noise impacts from its surrounding activities. There had been one noise complaint on musical activities in this industrial building;

- (d) seven public comments from a Sha Tin District Council member and members of the public were received during the three weeks of the statutory publication period. The Sha Tin District Council member indicated that he had no comment on the application. Two commenters raised objection to the application as the application premises was being used as “religious institution” instead of “office”, and the activities there attracted many people especially during Sundays. Four commenters supported the application on the ground that office use would generally help the economy of Hong Kong. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments as detailed in paragraph 9 of the Paper. The application was applied for partial conversion of four units on the 8/F of an existing industrial building for office use. Site inspection revealed that the premises was used as a religious institution in the form of a church for holding assembly or gatherings, instead of office use. According to the Town Planning Board Guidelines No. 25D, FSD should be satisfied on the risks likely to arise or increase from the proposed use, which was more akin to a religious institution, instead of office. In this regard, D of FS advised that the planning application deviated from the TPG PG No.25D that partial

conversion of an industrial building for religious institution should not be allowed due to fire safety consideration. DEP also advised that he was unable to support the application from an environmental planning point of view. Partial conversion of an industrial building for religious institution should not be allowed due to fire safety concern.

93. A Member asked whether the current use of the application premises was an authorized use. Mr. Anthony K.O. Luk said that office use at the subject premises required planning permission from the Board. In addition, as advised by the District Lands Officer/ Shatin, LandsD, the application premises were restricted for industrial and godown purposes under the lease. The applicant had not obtained approval from the LandsD under the lease for the proposed office use nor the religious institution use in the application premises. Mr. Luk also pointed out that the Planning Authority did not have any planning enforcement power under the Shatin OZP.

Deliberation Session

94. After deliberation, the Committee decided to reject the application. Members then went through the reason for rejection as stated in paragraph 12.1 of the Paper and considered that it was appropriate. The reason was :

- the proposed development did not comply with the ‘Town Planning Board (TPB) Guidelines for Use/Development within “Industrial” Zone’ (TPB PG-No. 25D) in that it would attract persons who could be exposed to fire risk, which they would neither be aware of nor prepared to face. The proposed use was therefore unacceptable from fire safety point of view.

95. The committee also agreed that the LandsD should be requested to take lease enforcement action against the current use of the application premises.

Agenda Item 29

Section 16 Application

[Open Meeting]

A/ST/805 Proposed Public Utility Installation (Sewage Pumping Station) in
“Green Belt” zone, Government Land in D.D. 171, Kau To, Sha Tin
(RNTPC Paper No. A/ST/805)

96. The Secretary reported that Ms. Janice W.M. Lai had declared an interest in this item as she had current business dealings with the applicant, the Drainage Services Department (DSD). The Committee considered that Mr. Lai had direct interest and should leave the meeting temporarily for the item. Members noted that Ms. Lai had already left the meeting.

97. The Secretary reported that on 10.1.2013, the applicant requested for a deferment of the consideration of the application for two month in order to allow time to prepare tree survey and compensatory planting proposal for the application.

98. 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 30

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/806 Shop and Services (Beauty Treatment and Foot Reflexology) in
 “Industrial” zone, Shop B3 (Portion), LG/F, Valiant Industrial Centre,
 2-12 Au Pui Wan Street, Fo Tan, Sha Tin

 (RNTPC Paper No. A/ST/806)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the shop and services (beauty treatment and foot reflexology);
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) two public comments were received during the three weeks of the statutory publication period. One of the comments received from the Incorporated Owners of Unison Industrial Centre supported the application as the subject premises was used as a shop previously and the current proposal involved only change in business type. Although it was uncertain if there were enough customers to support the beauty treatment and foot reflexology business in the industrial area, no adverse impact on the adjacent buildings was expected. Another comment from a member of the public indicated that he had no comment on the application. No local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the

application based on the assessments in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long-term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

100. Members had no question on the application.

Deliberation Session

101. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2013; and
- (b) if the above planning condition (a) 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.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in

the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises should not be adversely affected, in particular the adjoining common means of escape corridor;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. Regarding matters related to fire resisting construction of the subject premises, the applicant should comply with the 'Code of Practice for Fire Safety in Buildings' which was administered by the Buildings Department; and
- (g) to refer to the 'Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises' for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Ms. Maggie M.Y. Chin, Mr. Otto K.C. Chan, Miss Jessica K.T. Lee and Mr. Anthony K.O. Luk, STP/STN, for their attendance to answer Members' enquires. Ms. Chin, Mr. Chan, Miss Lee and Mr. Luk left the meeting at this point.]

Tuen Mun and Yuen Long District

Agenda Item 31

Section 12A Application

[Open Meeting]

Y/YL-TYST/1 Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10 to rezone application site from “Residential (Group B) 3” to “Other Specified Uses” annotated “Columbarium”,
Lot 3971 RP in D.D. 124, Tan Kwai Tsuen, Yuen Long
(RNTPC Paper No. Y/YL-TYST/1)

103. The Secretary reported that on 11.1.2013, the applicant’s representative requested for a deferment of the consideration of the application for two month in order to allow time to address the comments from the Transport Department and the Urban Design and Landscape Section of the Planning Department.

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

[Mr. 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.]

Agenda Item 32

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/429 Temporary Retail Shop (Container Tractors, Medium Goods Vehicles, Forklifts and Building Materials) for a Period of 3 Years in “Residential (Group D)” zone, Lots 204 RP (Part), 331 S.B RP (Part), 332 S.B RP, 333 S.B RP (Part), 356 (Part), 357 (Part), 358 (Part), 359 (Part) and 361 S.B (Part) in D.D.105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/429)

Presentation and Question Sessions

105. 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 retail shop (container tractors, medium goods vehicles, forklifts and building materials) for a period of three years;
- (c) departmental comments – concerned 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 three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper.

106. Members had no question on the application.

Deliberation Session

107. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 8:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (d) the existing vegetation on the site should be maintained at all times during the planning approval period;
- (e) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a photographic record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2013;
- (g) 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 25.7.2013;
- (h) in relation to (g) 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 25.10.2013;

- (i) the submission of proposal on provision of buffer zone within the site fronting Castle Peak Road – San Tin to avoid queuing on Castle Peak Road – San Tin within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.7.2013;
- (j) in relation to (i) above, the implementation of proposal on provision of buffer zone within the site fronting Castle Peak Road – San Tin to avoid queuing on Castle Peak Road – San Tin within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.10.2013;
- (k) the provision of boundary fencing on the site within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2013;
- (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.

108. 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 resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (c) to follow the latest Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites (the COP) issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lots within the application site were Old Scheduled Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from this office. No approval was given for the proposed specified structures as site offices, retail shop for building materials and porch for display of forklifts for sales. No permission had been given for the proposed use and/or occupation of the Government land (GL) within the application site. The act of occupation of GL without Government's prior approval should not be encouraged. The private land of Lots No. 332 S.B RP and 357 (Part) in D.D. 105 were covered by Short Term Waiver (STW) No. 2986 with built-over-area (BOA) not exceeding 75m² on Lot 332 S.B RP and 20m² on Lot 357 (Part) and height not exceeding 5 m; Lots No. 333 S.B RP and 356 (Part) in D.D. 105 were covered by STW No. 2987 with BOA not exceeding 60.67m² on Lot 333 S.B RP, 20m² on Lot 356 (Part) and height not exceeding 5 m; and Lot No. 358 (Part) in D.D. 105 was covered by STW No. 2988 with BOA not exceeding 11.71m² and height not exceeding 5 m, to allow the use of the land for motor vehicle repair workshop (tyre and electronic parts only). Short Term Tenancy No. 1929 with area of about 885m² was also approved for adjoining GL to allow the use of the land for motor vehicle repair yard (tyre and electronic parts only). Access to the application site required traversing through other private lots and/or GL. His Office provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to

apply to his Office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Furthermore, the applicant had to either exclude the GL portion from the application site or apply for a formal approval prior to the actual occupation of the GL portion. 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;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that 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. 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 Buildings Authority (BA) should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. 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 (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (f) to note the comments of the Director of Environmental Protection that sewage discharge from the site should be directed to the nearby public

sewer. In case of unavailability of public sewer, the applicant was reminded of the applicant's obligation to comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North) for any effluent discharge from the subject site;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix V of the Paper;
- (h) to note the comments of the Director of Fire Services at Appendix V of the Paper;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the application site should not encompass the existing fire hydrant as shown on the plan attached in the Paper and the applicant should bear the cost of any necessary diversion of the fire hydrant and associated works if the existing fire hydrant and associated water mains were found to be located within the application site; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on cable plans obtained, if there was underground cable (and/or overhead lines) within or in the vicinity of the site, the applicant should carry out the following measures: (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary; (ii) prior to establishing any structure within the 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 his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 33

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/250 Temporary Public Vehicle Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” zone, Lots 678 (Part), 679 (Part), 682 (Part), 683 (Part), 685 (Part) and 686 in D.D. 130, Tuen Mun San Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/250)

Presentation and Question Sessions

109. 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 public vehicle park (private cars and light goods vehicles) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) commented that the operation of the car park should not create disturbance/nuisance to the road users on the footpath and cycle track at Castle Peak Road, and the applicant should submit further information to demonstrate that the road width/layout was sufficient for a car park of such scale. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. Although the temporary public vehicle

park was considered not incompatible with the surrounding developments including low rise village houses/ residential buildings and car parks, the layout plan in the submission showed that the proposed car parking space would be likely in conflict within the existing trees. There were no tree preservation and landscape proposals submitted to demonstrate how the existing trees could be protected from damage by the car park, and how the greening and screening effect of the site could be enhanced;

- (d) no local objection/view was received by the District Officer (Tuen Mun). During the three weeks of the statutory publication period, three public comments raising objections were received. One of the comments was from the beneficiaries of To Fau Yung Tso and To Pong Shing Tso. They objected to the application on the grounds that no consent and locus standi of the lands were given to the applicant to make such application; the flow of traffic through the narrow vehicular passage of Tuen Mun San Tsuen would pose a great danger to village pedestrians; the large number of vehicles going in and out of the temporary public vehicle park would result in traffic jam; and the applicant did not have consent from the landowners to use the narrow vehicular passage of the village. The other comment was from the estate administrator/probate person of Lot 678 (Part), 679 (Part), 683 (Part) and 685 (Part) in D.D. 130 who stated that no consent from him had been given to this application. Another comment was from a Village Representative of Tuen Mun San Tsuen who stated that right-of-way consent might not be given by the landowners of the access road leading to the temporary vehicle park and emergency vehicles might not be able to enter the site within a short time in case of accidents; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper and summarized as follows:
 - (i) as the temporary vehicle park might serve some of the parking needs of the local villagers, the applicant must demonstrate that such development was compatible with the surroundings and that any

possible negative impacts could be adequately addressed;

- (i) the site was located within a dense village cluster and vehicles accessing the site would have to weave through the village cluster via an access road of about 94m long and a piece of land with vacant temporary shed structures. As the private vehicle park was to operate on a 24-hour daily basis, given its proximity to village houses, adverse noise nuisance would be expected. However, the applicant had not provided any details in the submission on the measures to mitigate potential noise nuisance. The applicant therefore failed to demonstrate that the development would not generate adverse noise nuisance on the surrounding areas, even on a temporary basis;
- (ii) the access road leading to the site was narrow, with a width of about 2.8m to 4.5m. There was no footway along the access road for pedestrians. Road safety was a concern. In this regard, the C for T raised concern on the safe and smooth maneuvering of the vehicles. He required the applicant to provide further information to demonstrate that the road width/layout was sufficient for a car park of such scale. However, the applicant had not provided any information on these aspect. The CTP/UD&L, PlanD also had reservations on the application from the landscape planning point of view;
- (iv) to the southwest of the site were some residential dwellings. The ingress/egress of the public vehicle park was right next to the entrance gate of a residential dwelling No. 166 which was not desirable. People using the temporary vehicle park of the current application would have to drive and/or walk through another public vehicle park to the southwest of the site (Application No. A/TM-LTYY/251) and this might result in possible conflicts between pedestrian and vehicular traffic. The applicant had not explained the arrangement or demonstrated how the possible conflict could be addressed; and

- (v) there were public comments objecting to/or raising concerns on the application mainly on the grounds that no consent had been given by the relevant landowners, no right-of-way consent on the access road leading to the site, the traffic impact of using the narrow access road and the safety concerns.

110. Members had no question on the application.

Deliberation Session

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

- (a) the site was located within a densely developed village cluster. The applicant fails to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings and landscape impacts on the surrounding areas; and
- (b) the access road leading to the site was narrow. There was no information in the application to address the traffic flow / maneuvering and road safety concerns.

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/251 Temporary Public Vehicle Park (Private Cars, Light Goods Vehicles and Light Bus) for a Period of 3 Years in “Village Type Development” zone, Lot 651 (Part) in D.D. 130 and Adjoining Government Land, Tuen Mun San Tsuen, Lam Tei, Tuen Mun
(RNTPC Paper No. A/TM-LTY Y/251)

Presentation and Question Sessions

112. 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 public vehicle park (private cars, light goods vehicles and light bus) for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) commented that the operation of the car park should not create disturbance/nuisance to the road users on the footpath and cycle track at Castle Peak Road, and the applicant should submit further information to demonstrate that the road width/layout was sufficient for a car park of such scale. The Director of Environmental Protection (DEP) advised that according to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” (COP), the applied use was environmentally undesirable in view of the proposal including light bus parking would generate traffic of heavy vehicles and the site boundary was within 100m from the nearest residential development.
- (d) no local objection/view was received by the District Officer (Tuen Mun). During the three weeks of the statutory publication period, 55 public comments, from a Tuen Mun District Council member, the beneficiaries of To Fau Yung Tso and To Pong Shing Tso, one of the Managers of To Fau Yung Tso, the Incorporated Owners of Chik Yuen Garden, and 51 owners/residents of Chik Yuen Garden were received. The Tuen Mun District Council member indicated that he supported the application. The beneficiaries of To Fau Yung Tso and To Pong Shing Tso objected to the application on the grounds that there was no unanimous consent and locus standi of the lands given to the applicant to make such application; the flow

of traffic through the narrow vehicular passage of Tuen Mun San Tsuen would pose a great danger to village pedestrians; the large number of vehicles going in and out of the temporary public vehicle park would result in traffic jam; and the applicant did not have consent from the landowners to use the narrow vehicular passage of the village. One of the Managers of To Fau Yung Tso objected to the application on the grounds that the subject lot was the property of To Fau Yung Tso and he had not assigned or authorised any person in dealing with this application; the application had not been discussed by his Tso Tong; and it would cause danger to pedestrians and drivers. The Incorporated Owners of Chik Yuen Garden and 51 owners/residents of Chik Yuen Garden strongly objected to the application mainly on the grounds that the road was narrow with traffic safety problem, there was insufficient road lighting and the operation of public vehicle park would cause noise nuisance and air pollution.

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as detailed in paragraph 11 of the Paper and summarized as follows:
 - (i) while the temporary vehicle park might serve some of the parking needs of the local villagers, the applicant must demonstrate that such development was compatible with the surroundings and that any possible negative impacts could be adequately addressed;
 - (ii) the site was located within a dense village cluster and vehicles accessing the site would have to weave through the village cluster via an access road of about 94m long. As the private vehicle park was to operate on a 24-hour daily basis, given its proximity to village houses, adverse noise nuisance would be expected. The DEP did not support the application as the development would generate traffic of heavy vehicles and the site boundary was within 100m from the nearest residential development. In this regard, the applicant had not provided any details in the submission on the measures to mitigate potential noise nuisance. The applicant

therefore failed to demonstrate that the development would not generate adverse environmental impacts and noise nuisance on the surrounding areas, even on a temporary basis;

- (iii) the access road leading to the site was narrow, with a width of about 2.8m to 4.5m. There was no footway along the access road for pedestrians. Road safety was a concern. In this regard, the C for T raised concern on the safe and smooth maneuvering of the vehicles. He required the applicant to provide further information to demonstrate that the road width/layout was sufficient for a car park of such scale. However, the applicant had not provided any information on these aspects;
- (iv) the site currently provided the only access to some residential dwellings and another vehicle park to the north of the site under Application No. A/TM-LTYT/250. Residents of the dwellings to the north of the site and people using the temporary vehicle park would have to drive and/or walk through the temporary public vehicle park of the current application and this might result in possible conflicts between pedestrian and vehicular traffic. The applicant had not explained the arrangement or demonstrated how the possible conflict could be addressed; and
- (v) there were 55 public comments received during the statutory publication period, 54 of those strongly objected/objected to the application mainly on the grounds that no consent had been given by the relevant landowners, no right-of-way consent on the access road leading to the site, traffic and safety aspects, air pollution and noise nuisance.

113. Members had no question on the application.

Deliberation Session

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

- (a) the site was located within a densely develop village cluster. The applicant fails to demonstrate that the development would not have adverse environmental impacts on the adjacent residential dwellings; and
- (b) the access road leading to the site was narrow. There was no information in the application to address the traffic flow / maneuvering and road safety concerns.

Agenda Item 35

Section 16 Application

[Open Meeting]

A/YL-NSW/213 Proposed Columbarium in “Government, Institution or Community” zone, Portion of 1/F of the planned administrative building, Lot 1630 (Part) in D.D. 115, Au Tau, Nam Sang Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/213B)

115. The Secretary reported that Mr. Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd. and MVA Hong Kong Ltd, two of the consultants of the application. As the case was a deferral request, Mr. Fu could be allowed to stay in the meeting.

116. The Secretary reported that on 18.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to arrange a meeting with the Hospital Authority to further discuss the proposed traffic mitigation measures of the proposed columbarium.

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

applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a further period of two months were allowed for preparation of the submission of the further information, and since a total of six months had been allowed, this was the last deferment of the application.

Agenda Item 36

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/281 Temporary Vegetable Collection and Transfer Station for a Period of 3 Years in “Comprehensive Development Area” zone, Government land near lamp post No. AD5833, Chun Shin Road, Ngau Tam Mei, Yuen Long
(RNTPC Paper No. A/YL-NTM/281)

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;
- (b) the temporary vegetable collection and transfer station for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) did not support the application. He advised that the land under application solely comprised government land (GL), and no permission had been given for the occupation of the GL within the site. The act of occupation of GL without government’s prior approval should not be encouraged. Other concerned departments had no

objection to or adverse comment on the application;

- (d) no public comment was received during the three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding DLO/YL, LandsD's concern that the act of occupation of GL without government's prior approval should not be encouraged, it was recommended to stipulate an advisory clause to remind the applicant that prior planning permission should have been obtained before commencing the applied use at the application site.

119. A Member noted that DLO/YL, LandsD had not given permission for the applicant to occupy the application site, which was GL for the applied use. This Member was concerned that approval of the application might encourage occupation of GL without government's planning permission. In response, the Chairman said that the subject development was to serve the local farmers and the application was supported by Director of Agriculture, Fisheries and Conservation. He also said that should the application be approved by the Committee, LandsD would take into account the approval in processing the land matter of the site. The Secretary said that an advisory clause was recommended asking the applicant to obtain prior planning permission before commencing the applied use at the application site.

120. A Member noted that the operation of the applied use was within a container. He enquired about the kind of fire service installations (FSIs) that would be required for the applied use. In response, Mr. Ernest Fung said that detailed requirements on FSI would be specified by Fire Services Department. Simple requirements such as the installation of fire extinguishers might be able to serve the purpose in the application as there were only weighing scale and baskets within the container.

Deliberation Session

121. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the operation was restricted from 7:00 a.m. to 10:30 a.m. from Mondays to Sundays, as proposed by the applicant, during the planning approval period;
- (b) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2013;
- (c) the implementation of the fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2013;
- (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;
- (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; and
- (f) 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.

122. 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 Government land (GL) only. No permission had been given for the occupation of the GL within the site. The site was accessible through an informal track on GL extended from Chun Shin Road. His office provided no maintenance works for this track nor guarantees right-of-way the applicant would need to apply to his office to permit the use of the site prior to actual occupation of the site. Such application would be considered by LandsD acting in the capacity of the landlord at its sole discretion and it was emphasized that there was no guarantee 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 note the comments of the Commissioner for Transport that sufficient space for other vehicles should be allowed passing the Chun Shin Road during the transferring activity;
- (d) to note the comments of the Director of Fire Services that in formulating fire service installations (FSIs) proposal for the development, the applicant was advised to make reference that for other storages, open sheds or enclosed structures with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to the structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The locations of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as mentioned above, the applicant was required to provide justifications to his department for consideration; and
- (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. If the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including store room, office and 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 (UBW). An Authorized Person should be appointed as the co-coordinator for the proposed building works in accordance with 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 any planning approval should not be construed as an acceptance of any existing 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 in accordance with Regulations 5 and 41D of the Building (Planning) Regulation (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

Agenda Item 37

Section 16 Application

[Open Meeting]

A/YL-HT/824

Land Filling (by 1.2m) for Permitted Agricultural Use and Excavation of Land (by 0.525m) for Provision of Surface U-channel in "Coastal Protection Area" zone, Lots 219 S.B(Part), 221(Part), 222 S.A ss.1(Part), 222 S.A RP(Part), 222 S.B (Part), 222 RP(Part), 228(Part), 233(Part), 234, 235(Part), 236(Part), 237, 238, 239(Part) and 245(Part) in D.D.128 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/824)

123. The Secretary reported that on 8.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to respond to the comments of Chief Engineer/Mainland North of Drainage Services Department.

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/833 Temporary Open Storage of Private Car and Ancillary Inspection Centre for a Period of 3 Years in “Comprehensive Development Area” and “Village Type Development” zones, Lots No. 2420 RP(Part), 2422 RP(Part), 2442 (Part) and 2443 RP(Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/833)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of private car and ancillary inspection centre 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 in the vicinity of the site (the nearest dwelling being less than 25 away across Lau Fau Shan Road) and environmental nuisance was expected. However, there was no environmental complaint against the site over the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the sites, there was no environmental complaint against the site over the past three years. To address DEP's concerns, approval conditions on restrictions on operation hours and types of vehicles allowed on the site, and prohibition of workshop activities on the site were recommended. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize any potential environmental nuisance.

126. Members had no question on the application.

Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, 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 9:00 a.m., as proposed by the

- applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (c) no cutting, dismantling, cleansing, repairing and workshop activity, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (d) no vehicle dismantling, assembling, repair workshop, as proposed by the applicant, was allowed on the site during the planning approval period;
 - (e) only private cars, as proposed by the applicant, were allowed to be parked on the site during the planning approval period;
 - (f) no encroachment upon the simplified temporary land allocation no. GLA-TYL 1657 granted to the Drainage Services Department for the construction of Lau Fau Shan trunk sewerage and drainage was allowed during the planning approval period;
 - (g) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
 - (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
 - (i) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2013;
 - (j) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2013;

- (k) in relation to (j) above, the implementation of the tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2013;
- (l) the submission of a run-in/out proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 25.7.2013;
- (m) in relation to (l) above, the implementation of run-in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 25.10.2013;
- (n) the provision of fire extinguisher(s) and the submission of 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 8.3.2013;
- (o) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2013;
- (p) in relation to (o), 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 25.10.2013;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (r) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o) or (p) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and

- (s) 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.

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

- (a) planning permission should have been obtained before commencing the development on the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the lots within the site were Old Schedule Agricultural Lots held under Block Government Lease under which no structures were allowed to be erected without prior approval from his office. No approval was given for the proposed specified structures as site office, guard room, rain shelter, toilet and ancillary inspection centre. No permission had been given for the proposed use and/or occupation of the Government land (GL) within the site. The private land of lot Nos. 2420 RP and 2422 RP in D.D. 129 was covered by Short Term Waiver (STW) Nos. 2980 and 2981 to allow the use of the land for the purpose of office ancillary to storage of containers with built-over area (BOA) not exceeding 20m² and 85m² and height not exceeding 5.2 m and 6.1 m respectively. The private land of Lot No. 2443 RP in D.D. 129 was covered by STW No. 3311 to allow the use of land for the purposes of temporary open storage of marble and ancillary office with BOA not exceeding 29.77m² and the height not exceeding 2.5m. Short Term Tenancy No. 2181 was granted to the adjoining government land within the site for temporary storage of marble with no permitted structure. The site was accessible via a short stretch of GL leading to Lau Fau Shan Road. This portion of Lau Fau Shan Road fell within the clearance limit of project 'PWP Item No. 4235DS – Yuen Long and Kam Tin Sewerage and Sewage Disposal (part) – Lau Fau Shan Trunk Sewerage'. Chief

Engineer/Sewerage Projects, Drainage Services Department should be consulted for any interface problem. He provided no maintenance work for the GL and did not guarantee right-of-way. Should the application be approved, the lot owner would still need to apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval to the actual occupation of the GL portion. Such application would be considered by Lands Department (LandsD) 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/fees, as might be imposed by LandsD;

- (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 sufficient manoeuvring spaces should be provided within the site;
- (f) 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 Drawings No. H1113 and H1114 or H5133, H5134 and H5135, whichever set was appropriate to match with the existing pavement; and to provide adequate drainage measures at the site access to prevent surface runoff flowing from the site onto the nearby public roads/drains;
- (g) to note the comments of the Director of Fire Services in Appendix V and to submit relevant layout plans incorporated with the proposed 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 fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. The applicant should adhere to the 'Good Practice for Open Storage' at Appendix VI. 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

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove any unauthorized structures on 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 unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under BO or other enactment might be taken if contravention was found. Containers being used as stores and offices and proposed open sheds were considered as temporary buildings that were subject to control under Building (Planning) Regulation (B(P)R), Part VII. Formal submission of any proposed new works, including any temporary structures for approval under the BO was required. Since the site was not abutting and accessible from a street having a width not less than 4.5m, the site access and the development intensity should be determined under B(P)Rs 5 and 19(3) at the building plan submission stage. An emergency vehicular access under B(P)R 41D should be provided.

Agenda Item 39

Section 16 Application

[Open Meeting]

A/YL-SK/178 Proposed Temporary Car Park for Villagers (Excluding Container Vehicle) for a Period of 2 Years in “Agriculture” and “Village Type Development” zones, Lots No. 625, 626, 627 (Part), 629 S.B (Part), 631, 632, 633, 634, 646 (Part), 647 (Part), 648 S.E, 648 RP (Part) in D.D. 112, and Adjoining Government Land, Shek Kong, Yuen Long (RNTPC Paper No. A/YL-SK/178)

129. The Secretary reported that on 11.1.2013, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the preparation of further information and assessment report for supporting the application.

130. 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 40

Section 16 Application

[Open Meeting]

A/YL-TYST/627 Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicle for a Period of 3 Years in “Village Type Development” zone, Lots 2679 (Part), 2680 (Part) and 2681 S.A & S.B (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/627)

131. The Secretary reported that on 11.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for preparation of further information to demonstrate that there was an acute demand for the proposed parking facility.

132. 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-TYST/628 Proposed Temporary Vehicle Repair Workshop and Open Storage of Construction Machinery, Construction Materials, Home Appliance with Ancillary Office and Repair Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2387 RP (Part), 2388 (Part), 2389 (Part), 2391 (Part), 2407 (Part), 2408 (Part), 2409 S.B (Part), 2410 (Part), 2411 S.AB & C (Part), 2412, 2413, 2414, 2415 (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/628)

Presentation and Question Sessions

133. 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 vehicle repair workshop and open storage of construction machinery, construction materials, home appliance with ancillary office and repair workshop 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 north, northeast, south and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint against the site over the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the sites, there was no environmental complaint against the site over the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting workshop activities to be carried on site except within Compartments No. 1, 2 and 7 as proposed by the applicant and prohibiting the storage and handling of used electrical appliances and electronic waste on the site were recommended. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize any potential environmental nuisance and to keep the site clean and tidy at all times.

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 7:00 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 workshop activities were allowed, except in Compartments No. 1, 2 and 7 of the application site, as proposed by the applicant, at all time during the planning approval period;
- (d) no storage or handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes) was allowed on the application site, as proposed by the applicant, at any time during the planning approval period;
- (e) the existing drainage facilities 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 planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2013;
- (g) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2013;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposals within 9 months from the date of planning approval

to the satisfaction of the Director of Planning or of the TPB by 25.10.2013;

- (i) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.3.2013;
- (j) 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 25.7.2013;
- (k) in relation to (j) above, the implementation 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 25.10.2013;
- (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.

135. 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 resolve any land issue relating to the development with the concerned

owner(s) of the application site;

- (c) the site should be kept in a clean and tidy condition at all times;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Schedule agriculture 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. No approval had been given to the proposed specified structures as office, rain shelter, vehicle repair workshop, storage, ancillary repair workshop, toilet, meter room and warehouse. Should approval be given to the application, the lot owner 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 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. Besides, access to the site required traversing through private lot and/or Government land (GL). His office did not provide maintenance works for the GL involved and did not guarantee right-of-way;
- (e) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no vehicle queuing and no reverse movement of vehicles on public road were allowed. Also, the land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that the proposed access arrangement of the site

from Kung Um Road should be commented and approved by Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. Besides, 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 CTP/UD&L, PlanD that there was one tree found dead and one tree found inclined at the site that should be replanted and kept upright as soon as possible. One existing tree near the southern ingress/egress was not indicated on the proposed landscape and tree preservation plan;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the drainage facilities at the site should be maintained in good condition and not cause any adverse drainage impact to the adjacent areas;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal, the applicant was advised to make reference to the requirements in Appendix V of this RNTPC Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, the applicant was required to provide justifications to his department for consideration;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) that there was no record of approval by the

Building Authority (BA) for the structures existing at the site and his Department was not in position to offer comments on their suitability for the use related to the application. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. 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 (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that 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 to divert the underground cable (and/or overhead line) away from the vicinity of the

proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.

Agenda Item 42

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/575 Temporary Open Storage of Vehicles for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” zone, Lots 579 S.B and 579 RP in D.D.106, Kam Sheung Road, Yuen Long
(RNTPC Paper No. A/YL-KTS/575A)

Presentation and Question Sessions

136. 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 open storage of vehicles for a period 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 structures located to the immediate west (about 3m away) and in the vicinity of the site, and environmental nuisance was expected. However, there was no environmental complaint against the site over the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d) two public comment was received during the three weeks of the statutory

publication periods. The commenters objected to or expressed concern on the application as the previous applications were revoked twice, which indicated that the applicant had no intention to fulfil the approval conditions. Besides, the development would cause adverse traffic and environmental impacts on the surrounding areas. No local objection/view was received by the District Officer (Yuen Long);

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were sensitive receivers in the vicinity of the sites, there was no environmental complaint against the site over the past three years. To address DEP's concerns, approval conditions restricting operation hours and types of goods vehicles and prohibiting dismantling, maintenance, repairing, cleansing, paint-spraying or other workshop activities were recommended. Besides, the applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize any potential environmental nuisance; and

- (f) regarding the public comment on non-compliance with approval conditions under previous approvals and the adverse traffic and environmental impacts on the surrounding areas, it was noted that the applicant had made efforts and complied with approval conditions related to landscape and drainage aspect under the last approval and he had also submitted the landscape and Fire Services Installations (FSIs) proposals and a run-in proposal under the current application, which had been accepted by the relevant departments. Shorter compliance periods were recommended to monitor the progress of compliance under the current application. In addition, the site was subject to previous approval for similar open storage use and appropriate approval conditions were recommended to minimize the environmental impact. As regards the traffic concern, the relevant departments including C for T, CHE/NTW, HyD, and C of P had no adverse comment on the application.

137. In response to the Chairman's question regarding the shorter compliance period recommended by the Planning Department, Ms. Bonita K.K. Ho explained that the previous two planning approvals under Applications No. A/YL-KTS/444 and 531 for similar open storage uses on the application site, which were submitted by the same applicant were revoked due to non-compliance with the approval conditions related to submission and implementation of a run-in proposal and fire service installations (FSIs) proposal. Under the current application, the applicant submitted a landscape proposal, FSIs proposal and a traffic engineering technical report (including a run-in proposal) and they were considered acceptable by the CTP/UD&L of PlanD, D of FS and C for T respectively. As previous approval had been granted and there was no major change in planning circumstances since the last planning approval, it was considered that sympathetic consideration could be given to the current application. However, shorter compliance periods were proposed to monitor the progress of compliance should the Committee decide to approve the application.

Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 10:00 a.m. on Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container trailers/tractors, as defined in the Road Traffic Ordinance, were

allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;

- (e) no reversing of vehicle into or out from the site to Kam Sheung Road was allowed at any time during the planning approval period;
- (f) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (g) the existing boundary fencing should be maintained at all times during the planning approval period;
- (h) the stacking height of the vehicles/materials stored within 5 metres of the periphery of the site should not exceed the height of the boundary fence;
- (i) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (j) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.4.2013;
- (k) the implementation of the accepted run-in proposal within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.4.2013;
- (l) 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 25.4.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;

- (n) if any of the above planning conditions (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) shorter compliance periods were imposed so as to monitor the fulfillment of the approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (c) to resolve any land issues relating to the development with the concerned owner of the site;
- (d) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private land involved Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. The site was covered by Short Term Waiver No. 3364 for the purpose of ancillary storerooms and site office to open storage of vehicle/vehicle parts and ceramic building materials with permitted built-over area (BOA) not exceeding 28.08m² on Lot 579 S.B and BOA not exceeding 383.21m² on Lot 579 RP. The site was directly accessible to Kam Sheung Road via Government land (GL). LandsD did not provide maintenance works on this GL nor guarantee right of way.

The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comments that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to note the Commissioner for Transport’s comments that the site was connected to the public road network via a section of a local access road which was not managed by the Transport Department (TD). The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Besides, the applicant should construct a proper run-in/out to the satisfaction of TD and the HyD at the applicant’s own cost. Moreover, drivers of heavy goods vehicles should drive slowly with great care, particularly when there was an opposing stream of traffic on the local road;
- (h) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the drainage facilities should be maintained in good condition and the development would not cause any adverse drainage

impact to the adjacent areas;

- (i) to note the Director of Fire Services's comments that the installation / maintenance / modification / repair work of the fire service installations should be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC should after the completion of the installation / maintenance / modification / repair work issued to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to his department for consideration;

- (j) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there was no record of approval by the Building Authority (BA) for the existing structures at the site. If the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including sheds as temporary building) were to be carried out on the site, the prior approval and consent from 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 with the BO. In this connection, 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. 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 any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO; and

- (k) to note the Director of Electrical and Mechanical Services's comments that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or

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

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-KTS/590 Proposed Houses in “Comprehensive Development Area” zone, Lots 547 RP and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/590)

140. The Secretary reported that Ms. Janice W.M. Lai and Mr. Ivan C.S. Fu had declared interests in this item as they had current business dealings with Henderson Land Development Co. Ltd., which owned the company of the applicant, Super Asset Development Ltd.. Members noted that Ms. Lai and Mr. Fu had already left the meeting. .

141. The Secretary reported that on 15.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to prepare the technical assessments to address the departmental comments.

142. 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 44

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/591 Proposed Temporary Public Vehicle Park for Private Cars for a Period of 3 Years in “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone, Lots 509 (Part), 510, 514 (Part) and 515 RP (Part) in D.D. 106, Kam Po Road, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-KTS/591)

Presentation and Question Sessions

143. 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 public vehicle park for private cars for a period of three years;
- (c) departmental comments – concerned departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;

- (d) three public comments from a Yuen Long District Councillor, Designing Hong Kong Limited and a member of the public were received during the three weeks of the statutory publication period. All the commenters objected or expressed concerns on the application mainly on the grounds that the proposed public vehicle park was not in line with the planning intention of the “OU(RU)” zone and would cause adverse landscape and environmental impacts. The proposed development which could accommodate parking of 300 private cars would also cause adverse traffic impact (particularly on Kam Po Road) and road safety problem to the drivers, pedestrians and cyclists. In addition, the proposed development would promote car ownership which was against the transport policies. The District Officer (Yuen Long) advised that comment was received from a Yuen Long District Councillor who had provided the same comment during the statutory publication period;

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding the public comments that the proposed vehicle park for 300 private cars was not in line with the planning intention of the “OU(RU)” zone and that it would cause adverse environmental and traffic impacts and create road safety problem, it should be noted that a provision of 85 private car parking spaces on the site was proposed by the applicant. Relevant departments including C for T, DEP and C of P had no adverse comment on the application. To avoid the possible nuisance generated by the development, approval conditions restricting the operation hours, types of vehicles and workshop-related activities on the site, and requiring the maintenance of boundary fencing and provision of a lighting system to light up the local track near the boundary fence of the site to facilitate the access of the villagers were recommended.

144. Members had no question on the application.

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.1.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations were allowed to be parked/stored on the site at any time during the planning approval period;
- (b) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7m long, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, and no vehicle exceeding 7m long, were allowed to be parked/stored on or enter/exit the site during the planning approval period;
- (f) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (g) the boundary fence along the application site should be maintained at all times during the planning approval period;
- (h) the existing drainage facilities on the site implemented under the previous

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

- (i) the submission of the record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.7.2013;
- (j) the provision of lighting system/facilities to light up the local track near the boundary fence of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2013;
- (k) the submission of landscaping and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.7.2013;
- (l) in relation to (k) above, the implementation of landscaping and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2013;
- (m) 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 25.7.2013;
- (n) in relation to (m) 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 25.10.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (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.

146. 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's comments that the site comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given to the specified structures as office/car parking space. The site was accessible through an informal track on government land extended from Kam Po Road. The Lands Department (LandsD) provided no maintenance works for this track nor guarantees right-of-way. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion 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 adopt the environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;

- (d) 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 LandsD. Moreover, 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's comments that his department was not responsible for the maintenance of any existing vehicular access connecting the site and Kam Po Road;

- (f) to note the comments of the Director of Fire Services's comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. In formulating FSIs proposal for the proposed structure, for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. If the applicant wishes to apply for exemption from the provision of certain FSIs as prescribed above, the applicant was required to provide justifications to his department for consideration;

- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures should be removed. All building works were subject to compliance with the Buildings

Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future; and

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

Agenda Item 45

Section 16 Application

[Open Meeting]

A/YL-PH/649

Proposed House (Not Elsewhere Specified) in “Village Type Development” zone, Lots 544 and 545 S.B RP in D.D. 111, San Lung Wai, Pat Heung

(RNTPC Paper No. A/YL-PH/649A)

147. The Secretary reported that on 18.1.2013, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to address the departmental comments.

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

Agenda Item 46

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/658 Renewal of Planning Approval for Temporary Open Storage of Private Cars and Lorries for a Period of 3 Years in “Agriculture” zone, Lot 1479 S.B (Part) in D.D. 111, Pat Heung, Yuen Long
(RNTPC Paper No. A/YL-PH/658)

Presentation and Question Sessions

149. 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 renewal of planning approval for temporary open storage of private cars and lorries 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 residential dwellings located to the immediate south and west (the nearest one was 2m away) and in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaints received in the past three years;
- (d) no public comment was received during the three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary open storage of private cars and lorries could be tolerated for a further period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DEP did not support the application as there were residential dwellings located to the immediate south and west and in the vicinity of the site, there was no environmental complaint received in the past three years. To address the environmental concern of DEP, approval conditions restricting operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were recommended. Besides, the applicant would be advised 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” in order to alleviate any potential impact and to keep the site conditions clean and tidy at all times.

150. Members had no question on the application.

Deliberation Session

151. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 30.1.2013 to 29.1.2016, 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., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance, were allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;
- (f) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (g) the submission of records of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2013;
- (h) the implementation of the accepted tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2013;
- (i) 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 29.7.2013;

- (j) in relation to (i) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2013;
- (k) 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;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the sitgfe;
- (b) the site should be kept in a clean and tidy condition at all time;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agriculture Lot held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval of the Government. No approval had been given to the specified structures as converted-container for storage use. Access to the site required traversing through private lot and/or Government land (GL).

LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned needs to apply to LandsD 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 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 of fee, as might be imposed by LandsD;

- (d) to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that updated photo record on the conditions of the existing trees and shrubs within the application boundary in accordance with the layout plan submitted should be provided;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant building plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant was advised to note that for other storages, open sheds or enclosed structure with total floor area less than 230m² with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for

exemption from the provision of certain FSI as prescribed in the above, the applicant was required to provide justifications to the department for consideration;

- (g) to note the comments of the Director of Agriculture, Fisheries and Conservation that the mature roadside trees on the northern boundary of the site along Kam Tin Road should be preserved; and
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) item that if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use. Before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of the Building Authority (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 BO. 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 Building (Planning) Regulations (B(P)R) respectively. For unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

[The Chairman thanked Mr. K.C. Kan, Mr. Ernest C.M. Fung and Ms. Bonita K.K. Ho, STPs/TMYL, for their attendance to answer Members' enquires. Mr. Kan, Mr. Fung and Ms. Ho left the meeting at this point.]

Agenda Item 47

Any Other Business

153. There being no other business, the meeting closed at 5:00 p.m..