

TOWN PLANNING BOARD

Minutes of 537th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 17.7.2015

Present

Director of Planning
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr H.F. Leung

Mr F.C. Chan

Mr Peter K.T. Yuen

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

Chief Engineer (Works), Home Affairs Department
Mr Martin W.C. Kwan

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

Assistant Director/Regional 3,
Lands Department
Mr Edwin W.K. Chan

Deputy Director of Planning/District
Mr Raymond K.W. Lee

Secretary

Absent with Apologies

Dr C.P. Lau

Mr David Y.T. Lui

Mr Philip S.L. Kan

In Attendance

Assistant Director of Planning/Board
Ms Lily Y.M. Yam

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

Town Planner/Town Planning Board
Miss Anny P.K. Tang

Agenda Item 1

Confirmation of the Draft Minutes of the 536th RNTPC Meeting held on 3.7.2015

[Open Meeting]

1. The draft minutes of the 536th RNTPC meeting held on 3.7.2015 were confirmed without amendments.

Agenda Item 2

Matters Arising

[Open Meeting]

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

[Ms Janice W.M. Lai and Dr W.K. Yau arrived to join the meeting at this point.]

Sai Kung and Islands District

Agenda Item 3

Section 12A Application

[Open Meeting (Presentation and Question Sessions Only)]

Y/I-CC/3 Application for Amendment to the Approved Cheung Chau Outline Zoning Plan No. S/I-CC/5, To rezone the application site from “Green Belt” to “Other Specified Uses” annotated “Columbarium”, Lot No. 4 (Part) in D.D. Cheung Chau, Cheung Chau
(RNTPC Paper No. Y/I-CC/3D)

3. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) was one of the consultants of the applicant. The following Members had declared interests in the item :

- Professor S.C. Wong (the Vice-chairman) - being a traffic consultant of Arup
- Mr Ivan C.S. Fu - having current business dealings with Arup
- Dr W.K. Yau - involving in the operation of an education centre on Cheung Chau
- Mr Lincoln L.H. Huang - his company owning a property on Cheung Chau

4. Members noted that Mr Ivan C.S. Fu had not arrived at the meeting yet. Members also noted that Professor S.C. Wong and Dr W.K. Yau had no involvement in the application and the property of Mr Lincoln L.H. Huang's company did not have a direct view on the site, and agreed that they could stay in the meeting.

Presentation and Question Sessions

5. The following government representatives and the representatives of the applicant were invited to the meeting at this point :

- Ms Lisa L.S. Cheng - District Planning Officer/Sai Kung and Islands, Planning Department (DPO/SKIs, PlanD)
- Mr Richard Y.L. Siu - Senior Town Planner (STP)/SKIs, PlanD
- Mr Kenny C.H. Lau - Town Planner/SKIs, PlanD
- Ms Ivy C.Y. Chan - Divisional Commander (Cheung Chau), Hong Kong Police Force (DC(CC), HKPF)
- Mr Gabriel K.Y. Lau - Engineer/Islands2, Transport Department (E/Is2, TD)

Mr Y.L. Cheung]	Representatives of the applicant
Mr Wong Kwok Kwong]	
Ms Theresa W.S. Yeung]	
Ms Jovial C.T. Wong]	
Ms Oliver L.Y. Cheung]	
Mr William W.T. Leung]	
Ms Kathina S.Y. Wong]	
Mr Wilson W.S Kwan]	
Mr Wong Tang Kin]	
Mr Wong Wai Ki]	
Mr Wong Wun Leung]	
Mr Wong Wing Kwong]	
Mr Wong Chiu Kuen]	
Mr Wong Hung Hei]	
Mr Wong Po Chung]	
Mr Wong Hing Yip]	
Mr Wong Ka Yu]	

6. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr Richard Y.L. Siu, STP/SKIs, PlanD, to brief Members on the background of the application. With the aid of a PowerPoint presentation, Mr Siu presented the application and covered the following aspects as detailed in the Paper :

The Proposal

- (a) the applicant proposed to rezone the site from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Columbarium” (“OU(Columbarium)”) in which ‘Columbarium’ was a Column 1 use with a maximum gross floor area (GFA) of 2,800m² (plot ratio of about 0.64), a maximum site coverage (SC) of 50%, and a maximum building height of 15m. According to the indicative scheme submitted by the applicant, the proposed columbarium development would provide 6,500 niches within 5 interconnected buildings of 12m to 14m high (2-3 storeys) with open areas including an Entrance Plaza and a Memorial Garden within the site;

- (b) On 13.7.2015, after the issuance of the RNTPC Paper, the applicant submitted further information mainly proposing to put the proposed columbarium use into Column 2 of the User Schedule for the proposed “OU(Columbarium)” zone; to reduce the SC to 40%; to impose a restriction on the total number of niches of not exceeding 6,500; and to provide two alternative pedestrian routes. The further information was accepted and exempted from the publication and recounting requirements. The letter from the applicant was tabled at the meeting for Members’ reference;
- (c) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;

Departmental Comments

- (d) departmental comments were set out in paragraph 8 of the Paper which were summarised as follows :
 - (i) the Commissioner for Transport (C for T) objected to the application as the submitted information failed to demonstrate that the proposed development would not create adverse traffic impact on the pedestrian network and public transport such as existing ferry services in the surrounding areas. C for T had doubts on the workability of the house rules of the pre-booking system and considered that unless there would be relevant provisions under the planning conditions/lease conditions for enforcement of the crowd management plan, the effectiveness and enforceability for niche purchasers and their associated visitors adhering to the pre-booking system were in doubt. C for T also shared the Commissioner of Police (C of Police)’s concern on Emergency Vehicular Access (EVA) and were doubtful on the effectiveness of deploying security staff by the applicant to ensure unimpeded EVA for emergency vehicles;

[Mr Victor W.T. Yeung arrived to join the meeting at this point.]

- (ii) C of Police objected to the application from the perspective of public order and safety and opined that no planning application should lead to any adverse impact on public order and safety, especially the capability in emergency response. The increase in grave sweepers/visitors was not merely a problem of pedestrian flow but an impact caused to the local community. The proposed new routes of pedestrian flow which passed through the residential areas nearby might cause nuisances and inconvenience to the local residents during Ching Ming and Chung Yeung Festival. The applicant proposed to arrange chartered ferry services and hire security guards for crowd management. The financial support of the applicant was also subject to consideration. The application should not be approved since it was not simply an issue of crowd management and public transport. The impacts on the local community, public sentiment, public service and which in turn would affect the public order and safety should not be overlooked;
- (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application from the tree preservation point of view. The site was generally well-vegetated with native and exotic tree species, and in view of the extensive tree felling, it was not certain whether the actual loss of greenery arising from the proposed development could be adequately/practically compensated. Furthermore, it was doubtful on the practicability of the proposed compensatory tree planting; and

[Professor Eddie C.M. Hui arrived to join the meeting at this point.]

- (iv) 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

effectiveness of the tree preservation work and quality of retaining narrow green buffer strip were in doubt. The approval of the application would cause general degradation of the existing “GB” zone within the area;

Public Comments Received

- (e) during the first three weeks of the statutory publication periods, a total of 5,857 comments were received, including 1,292 supporting and 4,565 objecting to the application. The public comments received were summarised as below :

Supporting Views

- (i) the Cheung Chau Kai Fong Society, local community groups (i.e. fishermen, hawkers and residents) and individual members of the public supported the application mainly on the grounds that the proposed development was not incompatible with the surrounding use; could better utilize the undeveloped land; could meet the needs of and offer more choices for Cheung Chau residents and fishermen, could meet the territorial demand for private columbarium facilities; could help promote the local economy; and that the traffic issues could be easily addressed;

Objecting Views

- (ii) Islands District Council (IsDC) Members, 道風山環境關注組, Alliance for the Concern over Columbarium Policy, 大澳環境及發展關注協會, Cheung Chau Rural Committee, Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited, local concern groups and individual members of the public objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “GB” zone and there was insufficient planting to compensate for the loss of the “GB” zone and a precedent would be set; the proposed development would overload the transport capacity of

Cheung Chau (including ferry service, ferry pier, footpaths); the proposed development would cause adverse impacts on various aspects including environmental hygiene, noise, air quality, public order, sewerage and inflation of prices, and create nuisance and psychological impacts on the local residents; the Government should increase supply of public niches instead of private niches; and there were complaints against the unlimited deferrals and consultations of the application causing disturbance to the public and wasting of government resources. A similar complaint had been filed to the Ombudsman against the way of processing the application; and

- (iii) the District Officer (Islands) conveyed that the IsDC had passed a motion on 15.12.2014 objecting to the application and the development of large-scale private columbarium on Cheung Chau; and

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

PlanD's Views

- (f) PlanD did not support the application based on the assessments set out in paragraph 10 of the Paper which were summarised as follows :
 - (i) the site was located at the well-vegetated slope of an upland area in the southwestern part of Cheung Chau, forming part of a wider "GB" zone covering the densely vegetated uplands in the southern part of Cheung Chau and serving as a landscape buffer to the nearby "Other Specified Uses" annotated "Cemetery" ("OU(Cemetery)") zone. Both CTP/UD&L, PlanD and DAFC had reservation on the proposed development. It was anticipated that the proposed rezoning would adversely affect the natural environment of the area by extensive tree felling. It was therefore considered appropriate to retain the current "GB" zoning;

- (ii) the Cheung Chau Cemetery extension had recently been completed providing 1,000 public niches and the Government would plan for further development of public niches within Cheung Chau Cemetery to meet the demand of the local community. Considering the appropriateness to retain the “GB” zoning for the site and noting the Government’s plan for additional columbarium development in the adjoining “OU(Cemetery)” zone, there were no strong planning justification nor merit from the applicant to support the proposed rezoning;
- (iii) C for T objected to the application and the applicant failed to demonstrate that the proposed development would not create adverse impact on the pedestrian network and public transport (i.e. ferry services) in the area. The proposed development might adversely affect the existing ferry services and hence the local residents. C of Police also objected to the application from the perspective of public order and safety. The workability of the house rules of ferry pre-booking system and the effectiveness of deploying security staff, as well as the effectiveness and/or workability/practicability of the crowd control and management measures as proposed by the applicant were in doubt; and
- (iv) the approval of the proposed rezoning would set an undesirable precedent for similar applications and the cumulative impacts of which would result in degradation of the natural environment and overstrain the capacity of the road network in the area.

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

7. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Ms Theresa W.S. Yeung made the following main points :

- (a) there was currently no designated zoning or land reserved for private

columbarium and the existing private columbaria were located in areas which were incompatible with the surrounding uses, thus creating nuisance to local residents;

- (b) the 'Review of Columbarium Policy' (the Review) issued by the Food and Health Bureau in 2010 suggested to increase the supply of columbarium facilities by converting industrial buildings. However, this was no longer applicable due to the need to retain existing industrial land;
- (c) the Review had also set out four site selection criteria for columbarium, including developing the facilities on outlying island; on district-based to meet the demand; next to existing cemeteries; and away from residential area. Cheung Chau is an outlying island with public and religious columbarium, however, no private columbarium was provided. The number of existing and planned niches was minimal and the proposed development would help increase the availability of niches provided to the Island District. The site was located next to the existing Cheung Chau Cemetery zoned "OU(Cemetery)" and was far away from residential developments. As such, the site fulfilled all four criteria set out in the Review; and
- (d) the proposed development had a compatible scale with the adjoining developments and was synchronised with the existing site context to avoid site formation and reducing landscape and visual impacts. CTP/UD&L, PlanD had no objection to the application from urban design and visual perspectives. The site was of low to moderate ecological value with no rare species/Old and Valuable Trees, but tree compensation was proposed to enhance the ecological value. To address DAFC's comment on the practicability of the proposed compensatory tree planting, it was suggested that a s.16 application would still be required for the proposed columbarium use should the s.12A application be approved, and an approval condition to ensure effective tree preservation work could be imposed under the s.16 application. There were also precedent approved cases for columbarium use in "GB" zone.

8. With the aid of a PowerPoint presentation, Ms Oliver L.Y. Cheung made the following main points :

- (a) in support of the application, the applicant had submitted traffic and marine impact assessments, and crowd control management plan, while measures had been proposed in order to address C for T and C of Police's comments. Three improvement measures, including the provision of chartered ferry service between Cheung Chau and Central (Pier 10); pedestrian management plans; and local road widening of Cheung Chau Peak Road West (CCPRW), were proposed. For the chartered ferry, the Director of Marine had no adverse comment on the proposal. Initial agreement had also been sought from potential providers of the ferry services. There was no guarantee that all the grave sweepers would use the chartered ferry services. However, as the services would be free of charge during Ching Ming and Chung Yeung Festivals; less crowded and more convenience than the existing ferry operated by the New World First Ferry Services Limited; and the landing point was located closer to the site, it was believed that most of the grave sweepers would use the chartered ferry services;
- (b) the applicant confirmed that the proposed pontoon would not affect the public landing steps at Cheung Chau Sai Tai Road, and the applicant would be responsible for the provision, operation and maintenance of the pantoon at Cheung Chau. For the berthing of the proposed chartered ferry at Central Pier 10, the utilisation of the pier was very low and there would be sufficient space for the proposed services;
- (c) taking into account C for T and C of Police's concerns, the applicant would avoid using CCPRW (Western Section), which was the main pedestrian route used by the existing grave sweepers to the existing cemeteries. Different routes, i.e. CCPRW (Eastern Section), which were shorter, less crowded and wider, were therefore proposed. Tour guides would be provided to lead the grave sweepers to the proposed routes once

they disembarked from the ferry. The grave sweepers would also be restricted to leave the site through the northwestern exit so as to separate the exit route from the arrival route. Barrier-free routes were available to the site; and

- (d) to maintain the acceptable Level of Service (LOS) of “C” along the proposed pedestrian routes, the applicant proposed to widen a section of CCPRW near the site. The applicant disagreed with the comments of C for T that the proposed widening works would not be considered as committed improvement measures, as the road widening scheme was proposed as an mitigation measure based on the findings of the traffic impact assessment (TIA), and no major structural nor slope works was expected. The proposed widening area fell within government land and its implementation would be beneficial to the public. The LOS of CCPRW (Western Section) would remain as Level “D” with or without the proposed development. The proposed pre-booking system had not been considered in the TIA.

9. With the aid of a PowerPoint presentation, Mr William W.T. Leung made the following main points :

- (a) in response to C of Police’s view that 32,000 visitors seemed to be the maximum holding capacity for Cheung Chau, it should be noted that the past Ching Ming Festival had a combined holiday with Easter Holiday and was an exceptional case for the past 30 years. Furthermore, during Tai Ping Qing Jiao (TPQJ), over 36,000 visitors were recorded in 2015 and no accident was reported. The reason why C of Police considered that an increase in several thousands of grave sweepers would affect the public order and safety of Cheung Chau was unknown and unjustified;
- (b) with the road widening proposal, the EVA would not be affected. It was estimated that in 2023, the widened road could be used by the grave sweepers and emergency vehicles; and

- (c) the applicant would provide full financial support to implement the proposed crowd control arrangements. Approval conditions could be imposed under s.16 application to require the applicant to submit traffic and crowd management plan to relevant government departments for approval annually.

10. Mr Wong Tang Kin, Chairman of Wong Wai Tsak Tong (WWTT), made the following main points :

- (a) the WWTT had a long history and was granted land by a Block Crown Lease in 1905. In 1995, the Government passed an Ordinance to deem all sub-lessees and sub-leases under the Block Crown Lease as Crown lessees and Crown leases respectively. As the site fell within the Cheung Chau Cemetery, it had not been leased out and was still owned by WWTT after 1995. The site had been left vacant for more than one hundred years. If the site was not used for cemetery or related purposes, it would be left vacant for another hundred years, which was a waste of land resource; and
- (b) the Financial Secretary (FS) mentioned in his blog that the Government should follow the principle of keeping the expenditure within the limits of revenues in drawing up its budget; and allocate the resources flexibly in response to the needs of the public. To allocate the resources flexibly, public-private partnership approach should be adopted in medical, land and housing development. However, the objection to the proposed private columbarium by some of the local community and IsDC Members deviated from FS's policy, deprived some public of the right to choose from different facilities and affected economic effectiveness of the public resource. He hoped that the Committee would consider the application in a fair manner.

11. Mr Wong Wai Ki, WWTT's clan made the following main points :

- (a) the site located within the Cheung Chau Cemetery could only be used for

columbarium purpose. The proposed columbarium could meet the local and territorial demand.

12. Mr Wong Kwok Kwong, the descendant of WWTT's first branch family, made the following main points :

- (a) the site was located away from residential area at the valley, and was surrounded on three sides by cemetery. The applicant had made effort to address TD and HKPF's comments by proposing traffic and pedestrian flow mitigation measures in the past three years, however, the departments still had doubts on the ability and financial sustainability of WWTT to implement the proposal. From his experience, the employment of security guards and the catering of chartered ferry service would cost about \$700,000 and several millions per year respectively, which would be equivalent to about \$85 management fee per niche per month. He questioned the reasonableness of the departmental comments;
- (b) the applicant, its representatives and the public who supported the application also questioned why TD and HKPF had no comment on the Cheung Chau bun scrambling competition during TPQJ, which had attracted over 36,000 visitors, but objected to the increase of 3,000 to 4,000 grave sweepers during Ching Ming Festival, even though the applicant had proposed mitigation measures to accommodate the additional pedestrian flows generated by the proposed columbarium; and
- (c) it was unjust for some public comments to accuse that the proposal was for profit-making, as the existing columbarium on Cheung Chau was only reserved for local residents with a continuous residing period of not less than 10 years. The proposed use, which was located on a private land, would meet the needs of the Cheung Chau residents as well as the general public in Hong Kong.

13. In response to the Chairman's invitation, Ms Ivy C.Y. Chan, DC(CC), HKPF, made the following points :

- (a) the crowd management during TPQJ with over 36,000 visitors was a successful operation. However, there was a huge difference between the TPQJ venue and the site. TPQJ was held on a flat land with wider roads, which could accommodate mills barriers, about 500 to 600 police and auxiliary police, first aid stations and EVA. On the contrary, the proposed site could only be accessed through narrow roads, and there was insufficient space for the grave sweepers, police or security guards, mills barriers, etc, not to mention the provision of EVA; and
- (b) it was doubtful if the grave sweepers would only use the proposed new routes to access the site and leave Cheung Chau via the chartered ferry after grave sweeping, as according to her experience, they would very likely hang around in Cheung Chau afterwards and add further burden to Cheung Chau.

14. In response to the Chairman's invitation, Mr Gabriel K.Y. Lau, E/Is2, TD made the following points :

- (a) the measures proposed by the applicant were very preliminary. There were doubts on their implementability as relevant government departments had not yet fully agreed on the proposed measures. Should the application be approved, the Committee or PlanD should have an effective means to monitor the implementation of the proposed measures, otherwise, the proposed development would cause serious adverse impacts on the traffic, pedestrian flow and ferry services of the area. Besides, the proposed pedestrian routes for departure were generally narrow and steep, which were not designed up to the standard for universal access and would have adverse impact on public safety.

Proposed Development Scale

15. A Member queried the need for having a building structure with a GFA of 2,800m² for the proposed 6,500 niches. As for other similar cases, 1m² could usually

accommodate 10 niches. In response, Ms Theresa W.S. Yeung said that as compared with the previous s.16 application which was withdrawn by the applicant, the number of niches had been reduced from over 10,000 to 6,500 in response to C for T's request to maintain the LOS of Cheung Chau Peak Road as "C". Besides, a GFA of 2,800m² was proposed in order to provide a modern and spacious environment to commensurate with the natural environment of the area.

Traffic

16. A Member asked if it was compulsory for the grave sweepers to use the chartered ferry services arranged by the operator of the proposed columbarium. If the grave sweepers used the public ferry services instead, what the impact would be on the existing grave sweepers to/from the Cheung Chau Cemetery. In response, Ms Oliver L.Y. Cheung said that she could not guarantee that all the grave sweepers would use the chartered ferry services. However, the chartered ferry services would be free of charge with shorter waiting time and the berthing point was closer to the site, which should very likely be attractive to the grave sweepers.

17. A Member's asked whether prior approval of the Government for the proposed road widening works would be required and the progress of the road works. Ms Cheung responded that only government land would be involved for the road widening proposal and approval of the relevant government departments would be required. Ms Cheung further said that as for the proposed crowd control and management improvement measures, similar measures had been proposed in two similar applications approved by the Town Planning Board. In a s.12A application concerning a site at Wing Lap Street, Kwai Chung, the applicants proposed to provide operator-arranged bus services; widen a road that fell within the government land for footpath and lay-by; and employ specialist crowd management contractor to control pedestrian movements. In a s.16 application concerning a site at Tsing Shan Tsuen, Tuen Mun, an approval condition was imposed requiring the applicant to submit a traffic and crowd management plan before every Ching Ming and Chung Yeung Festivals to the satisfaction of the C of Police. The improvement measures proposed by the applicant in the subject application were considered feasible.

Burial Policy

18. The Chairman noted that some of the public comments had expressed the views that under the burial policy in Cheung Chau, the existing cemetery was reserved for Cheung Chau residents with a continuous residing period of not less than 10 years only. He enquired the reason for such a policy and the implication of the proposed columbarium on the policy. In response, Mr Wong Kwok Kwong said that it was the Cheung Chau Rural Committee which was responsible for certifying the residing period of Cheung Chau residents. However, he had no information on the background of the policy. Mr Richard Y.L. Siu clarified that the cemetery was not restricted to Cheung Chau residents only, but also available for use by the indigenous villagers of the Islands District with application.

“OU(Cemetery)” Zone

19. In response to the Chairman’s question on the occupancy rate of the “OU(Cemetery)” zone and the Food and Environmental Hygiene Department (FEHD)’s expansion plan, Mr Siu referred to an aerial photo and photos shown in the PowerPoint and said that the land area of the “OU(Cemetery)” was about 8.9ha with about 4.5ha being developed for columbarium purpose. About 1,000 new niches occupying about 37m² within the developed area were provided at the end of 2013. There was land available in both the developed and undeveloped area for the expansion of columbarium.

20. A Member asked the occupancy rate of the developed area within the “OU(Cemetery)” zone, while another Member asked about the yearly addition of 200 niches by FEHD. In response, Mr Siu said that the niches in the developed area should have been occupied. As for the take-up rate in recent years, it was on average 200 niches per year as advised by FEHD. The current capacity of the columbarium would be able to meet the demand for a few years. The Food and Health Bureau (FHB) and FEHD would start to plan for the further development of public niches at Cheung Chau Columbarium by 2016.

21. As the applicant’s representatives had no further points to raise and there were no further questions from Members, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The

Chairman thanked the applicant's representatives and government's representatives for attending the meeting. They left the meeting at this point.

Deliberation Session

Burial Policy/Private Columbaria Bill

22. A Member said that the burial policy of Cheung Chau Cemetery might have a bearing on their consideration of the application. The Chairman said that while the Cheung Chau Cemetery was restricted to the use of residents living on the island, the proposed columbarium would be open to the general public, which could be one factor to be considered by Members.

23. In response to a Member's question, the Chairman said that, as highlighted in paragraph 8.1.3(d) of the Paper, the Administration had finalized the drafting of the Private Columbaria Bill for imposing a regulatory scheme on private columbaria and introduced the Bill into the Legislative Council. Hence, FHB and FEHD were unable to offer specific comments from the licensing perspective for the proposed private columbarium before the enactment of the Bill.

Traffic and Other Impacts

24. A Member did not support the application and said that while the proposed columbarium use was considered not incompatible with the adjoining cemetery, the traffic impact of the proposed development must be resolved before it could be approved. The proposed addition 6,500 niches with the corresponding increase in grave sweepers would aggravate the existing traffic problem in the area during Ching Ming and Chung Yeung Festivals. The proposed crowd management plan had not adequately addressed the combined problem caused by the grave sweepers visiting the existing cemetery and the proposed columbarium. This Member shared the concerns on crowd management raised by DC(CC), HKPF.

25. A Member did not support the application and said that the proposed development could bring about a drastic change to the small island. While the proposed use was

considered not incompatible with the adjoining cemetery from land use perspective, the proposed development which would be opened to the general public would cause great nuisance to the local residents. Whilst the applicant had proposed 6,500 niches under the current application, there was much room for future expansion with the GFA proposed. The applicant also failed to address the public's concerns, in particular the traffic problems. Two Members concurred.

Rejection Reasons

26. A Member said that the proposed development was considered not incompatible with the surrounding areas as it was adjacent to an existing cemetery. As such, it was considered that the suggested rejection reason in paragraph 11.2 (a) of the Paper might not be appropriate to highlight the need for the retention of the "GB" zone. The Secretary suggested to delete the second and third sentences in rejection reason (a), i.e. "The proposed rezoning would adversely affect the well-vegetated natural environment of the subject "GB" zone and would cause adverse landscape impacts to the area. Retention of the "GB" zoning for the Site is considered appropriate". Members agreed. Another Member also suggested to rearrange the sequence of the rejection reasons. Members agreed.

27. The Chairman said that as there was still land available in the "OU(Cemetery)" zone to accommodate additional niches, the columbarium use should be concentrated within the "OU(Cemetery)" zone and there was no strong planning justification to spread the use outside the zone. Members agreed that a rejection reason to that effect should be added.

28. After further deliberation, the Committee decided not to agree to the application for the following reasons :

- “ (a) the proposed columbarium development with 6,500 niches would pose potential adverse impacts on the pedestrian network and public transport service (i.e. ferry service) of the area, especially during Ching Ming and Chung Yeung Festivals. The applicant fails to demonstrate that the proposed development will not generate adverse traffic impacts;

- (b) the proposed columbarium development would cause adverse impact on public order and safety. The applicant fails to demonstrate that the crowd control and management issues associated with the proposed development could be satisfactorily addressed. There are doubts on the practicability of the crowd control and management measures as well as the chartered ferry service as proposed by the applicant;
- (c) the site is located at the well-vegetated slope of an upland area in the southwestern part of Cheung Chau, forming part of a wider “GB” zone covering the densely vegetated uplands in the southern part of Cheung Chau. There is no strong planning justification nor merit to support the rezoning of the site from “Green Belt” (“GB”) to “Other Specified Uses” annotated “Columbarium”;
- (d) there is still land available in the existing “Other Specified Uses” annotated “Cemetery” zone adjoining the site to accommodate additional niches, and there is no strong planning justification to spread the columbarium use outside the zone; and
- (e) the approval of the proposed rezoning would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effects of approving such applications would result in a general degradation of the natural environment and overstrain the capacity of the pedestrian network and public transport service of the area.”

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

[Ms Janice W.M. Lai left the meeting at this point and Ms Anita W.T. Ma, Dr W.K. Yau and Mr Martin W.C. Kwan left the meeting temporarily at this point.]

Agenda Item 4

Section 12A Application

[Open Meeting]

Y/I-CC/4 Application for Amendment to the Draft Cheung Chau Outline Zoning Plan No. S/I-CC/6, To rezone the application site from “Green Belt” to “Residential (Group C) 9”, Lot No. 26 R.P. (Part) in D.D. Cheung Chau, Cheung Chau
(RNTPC Paper No. Y/I-CC/4A)

29. The Secretary reported that Mr Lincoln L.H. Huang had declared an interest in the item as his company owned a property on Cheung Chau. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Huang could stay in the meeting.

30. The Committee noted that on 2.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments from various government departments. This was the applicant’s second request for deferment.

31. 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. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee’s consideration. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

Agenda Item 5

Section 16 Application

[Open Meeting]

A/I-DB/5 Proposed Religious Institution (Church and Related Community Services) in “Green Belt” and “Residential (Group D)” Zones, Government Land adjacent to Nim Shue Wan Village, Lantau Island (RNTPC Paper No. A/I-DB/5A)

32. The Secretary reported that Mr K.K. Ling (the Chairman) had declared an interest in the item as he owned a property in Discovery Bay. Members noted that the applicant had requested for deferment of consideration of the application and agreed that he could stay in the meeting.

33. The Committee noted that on 8.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the issues raised by government departments. This was the applicant’s second request for deferment.

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

[Ms Anita W.T. Ma, Dr W.K. Yau and Mr Martin W.C. Kwan returned to join the meeting at this point.]

[Mr Richard Y.L. Siu and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands

(STPs/SKIs), were invited to the meeting at this point.]

Agenda Item 6

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-MWF/26 Proposed House in “Residential (Group D)” Zone, Lots No. 318 S.A,
318 RP (Part) and 337 (Part) in D.D.4 MW, Mui Wo, Lantau Island
(RNTPC Paper No. A/I-MWF/26)

35. The Secretary reported that AECOM Asia Co. Ltd. (AECOM) was one of the consultants of the applicants. The following Members had declared interests in the item :

- Professor S.C. Wong - having current business dealings with AECOM; and being
(the Vice-chairman) the Chair Professor and Head of Department of Civil
Engineering of the University of Hong Kong where
AECOM had sponsored some activities of the Department

- Mr Ivan C.S. Fu - having current business dealings with AECOM

- Ms Janice W.M. Lai having current business dealings with AECOM

36. Members noted that Ms Janice W.M. Lai had left the meeting already. Members also noted that Professor S.C. Wong and Mr Ivan C.S. Fu had no involvement in the application and agreed that they could stay in the meeting.

Presentation and Question Sessions

37. With the aid of a PowerPoint presentation, Mr Richard Y.L. Siu, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;

- (b) the proposed house;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, seven public comments were received from the Kadoorie Farm & Botanic Garden Corporation, Designing Hong Kong Limited and individual members objecting to the application mainly on the grounds that the proposed new pathways would infringe on the adjacent properties; the site overlapped with the upstream watercourse of River Silver but no assessments on drainage, sewerage and water quality had been submitted by the applicants; the proposed development might diminish the potential of farmland lying along the watercourse of River Silver and might pose adverse impact on the worshippers to the To Yuen Tung Monastery; and the proposed development had not been discussed in the Luk Tei Tong Village meeting. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments received, all concerned departments had no adverse comment on or no objection to the application.

38. In response to a Member's question on the land owner of the site, Mr Richard Y.L. Siu, STP/SKIs, said that the applicants were the sole "current land owner" but they were not indigenous villagers. The site was currently vacant.

39. Mr Victor W.T. Yeung, the Principal Environmental Protection Officer (Strategic Assessment), Environmental Protection Department (EPD), said that upon further examination, EPD noted that there should be sufficient space within the site to meet the minimum clearance needed between the septic tank/soakaway system and the nearby stream

as stipulated in EPD's Practice Note for Professional Person PN 5/93. As such, the requirement to impose an approval condition (i.e. approval condition (b) in paragraph 12.2 of the Paper) for "the design and operation of the septic tank and soakaway system to the satisfaction of the Director of Environmental Protection or of the Town Planning Board" was no longer necessary. Mr Yeung further said that when the Authorised Persons made submission under the Buildings Ordinance, they would need to observe the requirements of the PN 5/93.

40. The Chairman noted the comments of the District Lands Officer/Islands, Lands Department (LandsD) that even planning permission was granted, LandsD would not entertain the land exchange application for non-small house development. However, he pointed out that land use planning and land administration were under two separate regimes. Mr Edwin W.K. Chan, Assistant Director/Regional 3, LandsD, clarified that under the prevailing policy, an application for land exchange to permit non-small house development within the village 'environs' of a recognised village would not be entertained. However, as part of the lot had building status, the applicant might be permitted to redevelop the house if it was fully confined within the building land portion, subject to the approval of departments concerned.

Deliberation Session

41. 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 17.7.2019, 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; and
- (b) the design and provision of fire services installations and water supplies for fire-fighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note the comments of the Director of Environmental Protection that the design and operation of the septic tank and soakaway system should follow the requirements in the Environmental Protection Department (EPD)’s Practice Note for Professional Person (ProPECC) PN 5/93 “Drainage Plans subject to Comment by EPD”, including the percolation test, sufficient clearance distances from sensitive receivers and certification by the Authorized Person (AP);
- (b) to note the comments of the Director of Fire Services that emergency vehicular access (EVA) shall be provided in accordance with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by the Buildings Department (BD);
- (c) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (DSD) that public sewerage would be available for connection by the proposed development upon completion of the ‘PWP Item No. 4353DS - Outlying Islands Sewerage Stage 2 - Extension of Sewerage System to other Unsewered Villages in Mui Wo Village Sewerage Works at Luk Tei Tong and Ma Po Tsuen’;
- (d) to note the comments of the Chief Engineer/Hong Kong & Islands, DSD that drainage and sewerage proposals should be submitted to DSD for comment and consideration;
- (e) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that : (i) for provision of water supply to the site, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the connection, operation and maintenance of the inside services within the private lots to WSD’s

standards; and (ii) water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (f) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licence, BD that:
- (i) if the site does not abut a specified street of not less than 4.5m wide, the development intensity of the proposal should be subject to determination under the Building (Planning) Regulations (B(P)R) 19(3) at the building plan submission stage;
 - (ii) before any new building works are to be carried out on the site, prior approval and consent from the Building Authority should be obtained, otherwise they are Unauthorized Building Works. An AP should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
 - (iii) access to the site should be clarified under B(P)R 5. The land status of the adjoining lands, footpath, street etc. should be clarified in the building plan submission;
 - (iv) the proposed development should be provided with EVA and means of escape to street, and may need to be resolved with the Fire Services Department and Lands Department upon building plan submission. The proposed EVA shall comply with B(P)R 41D and Section 6 in Part D of the Code of Practice for Fire Safety in Buildings 2011;
 - (v) detailed comments under the BO on the proposal such as permissible plot ratio, site coverage, barrier-free access and facilities, and compliance with the sustainable building design parameters. will be formulated at formal building plans submission stage; and
- (g) to note the comments of the Commissioner for Transport that the

maintenance and management responsibilities of the proposed ingress/egress and pathways should be clarified with the relevant lands and maintenance authorities.”

Agenda Item 7

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/38 Proposed Filling of Land and Excavation of Land for Permitted Agricultural Use with Ancillary Agricultural Sheds and Emergency Vehicular Access in “Green Belt” zone, Lots 72 RP (Part), 73 (Part), 75 (Part), 76 (Part), 78 (Part), 79 (Part) and 80 RP (Part) in D.D. 229 and Adjoining Government Land, Clear Water Bay Road, Sai Kung (RNTPC Paper No. A/SK-CWBN/38)

Presentation and Question Sessions

43. With the aid of a PowerPoint presentation, Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed filling of land and excavation of land for permitted agricultural use with ancillary agricultural sheds and emergency vehicular access (EVA);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning perspective. The construction of the agricultural sheds and the access road might cause extensive vegetation clearance both within and beyond the site. As there was insufficient information provided in the submission, the adverse visual

and landscape impact arising from the proposed land filling/excavation of land to the adjoining area of the site could not be ascertained. Furthermore, the applicant had not provided sufficient information, such as tree survey or tree preservation proposal, to demonstrate that the adverse impact would be minimized. The Director of Agriculture, Fisheries and Conservation (DAFC) commented that the applicant had not provided information to address the possible impact on trees within government land on which the proposed EVA would pass through;

- (d) during the first three weeks of the statutory publication period, five public comments were received. World Wide Fund for Nature-Hong Kong, Designing Hong Kong Limited, the Hong Kong Bird Watching Society and one individual objected to the application mainly on the grounds that the proposed EVA was incompatible with the planning intention of the “Green Belt” (“GB”) zone; the proposed development did not comply with TPB PG-No.10; no justification had been provided by the applicant on the necessity of an EVA serving two agricultural sheds; and approval of the application would set an undesirable precedent for similar applications. The remaining comment submitted by the Kadoorie Farm and Botanic Garden Corporation raised concerns about the need for planning permission and the need to build an EVA. No local objection/view was received by the District Officer (Sai Kung); and

- (e) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development did not comply 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 proposed development would involve extensive clearance of existing natural vegetation and might cause adverse visual and landscape impacts on the surrounding environment. As such, CTP/UD&L, PlanD had reservation on the application and commented that the applicant had not provided sufficient information to demonstrate that there was no adverse landscape impact. The approval of the application would set an undesirable

precedent for similar applications within the “GB” zone. The cumulative effect of approving such similar applications would result in a general degradation of the natural environment and bring about adverse landscape impact on the area.

44. In response to the Chairman’s question on whether the existing soil tracks would provide access for the subject agricultural use with agricultural sheds, Mrs Alice K.F. Mak, STP/SKIs, said that the said uses were currently accessible through a pedestrian soil track with some steps. Without the proposed EVA, it might be inconvenient for the applicant to convey agricultural products from the sheds to Clear Water Bay Road. The tracks to the north of the site could also access the sheds, but those tracks were on land not owned by the applicant.

Deliberation Session

45. 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 does not comply 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 proposed development would involve extensive clearance of existing natural vegetation and may cause adverse visual and landscape impacts on the surrounding environment. The applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for similar applications within the “Green Belt” zone. The cumulative effects of approving such applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.”

[The Chairman thanked Mr Richard Y.L. Siu and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members' enquiries. They left the meeting at this point.]

Agenda Item 8

Section 16 Application

[Open Meeting]

A/SK-HC/241 Proposed Utility Installation for Private Project (Stormwater Drain) and associated Minor Excavation of Land (0.3m in depth) in "Green Belt" Zone, Government Land in Hing Keng Shek, Ho Chung, Sai Kung
(RNTPC Paper No. A/SK-HC/241A)

46. The Committee noted that on 23.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the latest comments from government departments. This was the applicant's second request for deferment.

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

Agenda Item 9

Section 16 Application

[Open Meeting]

A/SK-SKT/11 Proposed Eating Place, Shop and Services in “Other Specified Uses” annotated “Townsquare With Recreational, Community and Commercial Uses” Zone, Lots No. 1447 s.A RP, 1449 s.A RP, 1449 s.B RP, 1450 RP (Part), 1451, 1452 (Part), 1453, 1455 RP in D.D. 221 and Adjoining Government land, Sha Ha, Sai Kung (RNTPC Paper No. A/SK-SKT/11A)

48. The Committee noted that on 13.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments from relevant government departments and the public. This was the applicant’s second request for deferment.

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

Sha Tin, Tai Po and North District

[Ms Channy C. Yang and Mr C.T. Lau, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), Planning Department, were invited to the meeting at this point.]

Agenda Items 10 to 12

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-TT/64 Proposed House (New Territories Exempted House - Small House) in Area designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/64)

A/DPA/NE-TT/65 Proposed House (New Territories Exempted House - Small House) in Area designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/65)

A/DPA/NE-TT/66 Proposed House (New Territories Exempted House - Small House) in Area designated as “Unspecified Use”, Government land in D.D. 289, Ko Tong, Tai Po
(RNTPC Paper No. A/DPA/NE-TT/66)

50. The Committee noted that the three applications were similar in nature and the sites were located in close proximity to one another and within the same zone. The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

51. Ms Channy C. Yang, 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 (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in

paragraph 11 and Appendix IV of the Papers. Major departmental comments were summarised as below :

Comments of the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD)

(For Applications No. A/DPA/NE-TT/64 and A/DPA/NE-TT/66)

- (i) DLO/TP, LandsD advised that the site was previously covered by dense vegetation and was accessible by an unauthorized track which was under land control action by his office. Approval would not be given to the applicants to form or disturb government land for the formation of new access road to facilitate the proposed Small House developments. DLO/TP, LandsD had reservation on the applications since there was on-going complaint against the unauthorized track and the applicants failed to demonstrate how they could make access to the sites;

Comments of the Commissioner for Transport (C for T)

(For Applications No. A/DPA/NE-TT/64, A/DPA/NE-TT/65 and A/DPA/NE-TT/66)

- (ii) C for T had reservation on the applications and advised that such type of Small House developments outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent for similar applications in the future and the resulting cumulative adverse traffic impact would be substantial. Notwithstanding the above, each of the applications only involved construction of one Small House. C for T considered that the applications could be tolerated unless they were rejected on other grounds;

Comments of the Director of Agriculture, Fisheries and Conservation (DAFC)

(For Application No. A/DPA/NE-TT/64)

- (iii) DAFC had reservation on the application from the nature conservation point of view as the site has been cleared of vegetation but the proposed Small House might still affect a number of native trees in the vicinity of the site. The site was situated away from existing houses and only accessible via an unauthorized track;

(For Application No. A/DPA/NE-TT/66)

- (iv) DAFC had reservation on the application from the nature conservation point of view as the site had been cleared of vegetation but there were still some trees in the vicinity of the site. The site was situated away from existing houses and only accessible via an unauthorized track;

Comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD)

(For Applications No. A/DPA/NE-TT/64 and A/DPA/NE-TT/66)

- (v) CTP/UD&L, PlanD objected to the applications from the landscape planning perspective. On-going woodland clearance had been found within the sites. The approval of the application would set an undesirable precedent to encourage woodland clearance on government land prior to applications and to extend the village into the secondary woodland. The cumulative effect of approving similar applications would result in a general degradation of the woodland and cause significant adverse impacts on the landscape of the area; and

(For Application No. A/DPA/NE-TT/65)

- (vi) CTP/UD&L, PlanD had reservation on the application from the

landscape planning point of view. The proposed Small House development would likely involve slope formation work and retaining wall which might extend beyond the site boundary and cause adverse impact to the existing adjacent vegetation. However, no information was provided. The approval of the application would set an undesirable precedent for similar applications resulting in encroachment into the natural vegetated hillslope. The cumulative effect of approving such applications would result in a general degradation of the vegetated hillslope and cause adverse impacts on the landscape of the area;

- (d) during the first three weeks of the statutory publication period, 88, 24 and 28 public comments were received on Application No. A/DPA/NE-TT/64, A/DPA/NE-TT/65 and A/DPA/NE-TT/66 respectively. No local objection/view was received by the District Officer (Tai Po). The public comments received were summarised as below :

(For Application No. A/DPA/NE-TT/64)

- (i) amongst the 88 public comments received, 28 were submitted by Kadoorie Farm & Botanic Garden Corporation (KFBG), World Wide Fund for Nature Hong Kong (WWF-HK), Designing Hong Kong Limited (DHK), Ko Tong Village Owners & Tenants Society, Friends of Hoi Ha and individuals objecting to the application mainly on the grounds that the application was not in line with the planning intention of the Development Permission Area (DPA) Plan/“Unspecified Use” (“U”) area and no development should be approved prior to the detailed planning of the Outline Zoning Plan (OZP); the proposed development would cause adverse ecological, landscape and environmental impacts and no relevant technical assessments were submitted; the approval of the application would set an undesirable precedent for other similar applications; there had been vegetation clearance within the site and its surrounding area; insufficient provision of supporting facilities for the additional

houses; the proposed development should not be approved according to the Convention on Biological Diversity; the recent planning applications in the area were part of a ploy to enlarge the current “V” zone and village ‘environs’ in Ko Tong and Uk Tau; no proper access for the proposed development; and no supporting document for the applicant’s eligibility under the Small House Policy, etc.;

- (ii) the remaining 60 public comments were submitted by individuals supporting the application mainly on the grounds that the proposed Small Houses could provide living spaces for villagers and reunion of family, thereby alleviating the housing demand in the urban area; and the indigenous villagers had the rights to apply for Small Houses.

(For Application No. A/DPA/NE-TT/65 and A/DPA/NE-TT/66)

- (iii) the public comments received were submitted by KFBG, WWF-HK, DHK, Friends of Hoi Ha and individuals objecting to the application mainly on the grounds similar to those mentioned in paragraph 51(d)(i) above;

- (e) PlanD’s views – PlanD did not support the applications based on the assessments set out in paragraph 13 of the Papers which were summarised as follows :

- (i) the applications did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that the proposed developments would cause adverse landscape impacts on the surrounding area. CTP/UD&L, PlanD objected to Applications No. A/DPA/NE-TT/64 and 66 and had reservation on Application No. A/DPA/NE-TT/65 from the landscape planning perspective. DAFC also had reservation on Applications No. A/DPA/NE-TT/64 and 66;

- (ii) the approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving similar applications would result in a general degradation of the woodland/vegetated hillslope and cause adverse impacts on the landscape of the area; and

[Mr K.C. Siu left the meeting temporarily at this point.]

- (iii) since the gazettal of the draft DPA Plan on 8.11.2013, a total of 66 s.16 planning applications for proposed house (NTEH – Small House) within the “U” area had been received (as at 23.6.2015). In view of the large number of planning applications for Small House developments received and in anticipation of more forthcoming planning applications, their cumulative impacts on the natural environment and infrastructure could only be fully ascertained in the OZP preparation process. Given that the DPA Plan would be replaced by an OZP for which detailed analysis and studies to establish the appropriate land uses were soon to be conducted, approval of the planning applications would pre-determine the land use zonings of the OZP.

52. Members had no question on the application.

Deliberation Session

53. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 14.1 of the Papers and considered that they were appropriate. The reasons for each of the applications were :

- “ (a) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impact on the surrounding area;

- (b) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in adverse impacts on the natural environment, infrastructure capacities and landscape character of the area; and
- (c) the cumulative effect of approving similar applications would pre-determine the land use zonings of the Outline Zoning Plan under preparation.”

Agenda Item 13

Section 16 Application

[Open Meeting]

A/MOS/107

Proposed Residential Development with Minor Relaxation of the Total Gross Floor Area and the Building Height Restrictions in “Comprehensive Development Area (3)” Zone, Sha Tin Town Lot No. 601, Yiu Sha Road, Whitehead, Ma On Shan
(RNTPC Paper No. A/MOS/107)

54. The Secretary reported that the application was submitted by Loyal Pioneer Ltd., which was a subsidiary of Chun Wo Development Holdings Limited (Chun Wo). The following Members had declared interests in the item :

- Professor S.C. Wong (the Vice-chairman) - being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where Chun Wo Construction and Engineering Co., Ltd. had sponsored some activities of the Department
- Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from Chun Wo

Mr H.F. Leung - having current business dealings with Chun Wo

Mr Edwin W.K. Chan - being a personal friend of one of Chun Wo's Board of Directors

55. Members noted that the applicant had requested for deferment of consideration of the application and agreed that the above Members could stay in the meeting. However, as the interest of Mr H.F. Leung and Mr Edwin W.K. Chan were direct, they should refrain from participating in the discussion.

56. The Committee noted that on 29.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments raised by the government departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 14

Section 16 Application

[Open Meeting]

A/NE-FTA/154 Temporary Goods Distribution and Storage Use for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Uses” Zone and an Area shown as ‘Road’, Lots 182 RP (Part) and 183 RP (Part) in D.D. 52, Fu Tei Au, Sheung Shui
(RNTPC Paper No. A/NE-FTA/154)

58. The Committee noted that on 9.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

Agenda Item 15

Section 16 Application

[Open Meeting]

A/NE-FTA/155 Proposed Warehouse (Excluding Dangerous Goods) in “Open Storage” and “Other Specified Uses” annotated “Port Back-up Uses” Zones, Lot 137 (Part) in D.D. 52, Sheung Shui
(RNTPC Paper No. A/NE-FTA/155)

60. The Committee noted that on 29.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments of the Transport Department, Drainage Services Department and Urban Design and Landscape Section, Planning Department. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 16

Section 16 Application

[Open Meeting]

A/NE-STK/7 Temporary Eating Place (Restaurant) with ancillary Vehicle Park for a Period of 3 Years in “Recreation” and “Village Type Development” zones, Lots 152 S.B RP and 172 S.B ss.2 (Part) in D.D.40, Ha Tam Shui Hang Village, Sha Tau Kok
(RNTPC Paper No. A/NE-STK/7)

62. The Committee noted that on 30.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 17

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/493 Temporary Vehicle Repair Workshop for a Period of 3 Years in
“Agriculture” Zone, Lot 412 S.B RP (Part) in D.D. 7, Tai Hang Tsuen,
Tai Po
(RNTPC Paper No. A/NE-KLH/493)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary vehicle repair workshop for a period of 3 years;
- (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 the agricultural development point of view as the site had high potential for rehabilitation of agricultural activities. Both the Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) did not support the application as the site was located within the upper indirect Water Gathering Ground (WGG) and outside the coverage of the public sewerage system currently under construction in Tai Hang. As there was a high risk of pollution to the WGG, the development proposal was not acceptable from the perspective of protection of the WGG;
- (d) during the first three weeks of the statutory publication period, two public comments were received from the Tai Hang Village Office and Designing Hong Kong Limited objecting to the application mainly on the grounds

that the use was not in line with the planning intention of the “Agriculture” (“AGR”) zone; no traffic impact assessment had been submitted; and the use would generate adverse impacts on traffic, water quality, sewerage, farmland and environment of the surrounding areas. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis. Moreover, the applicant failed to demonstrate that the applied use would not generate adverse environmental and water quality impacts on the surrounding areas. Both DEP and CE/Dev(2), WSD did not support the application. Approval of the application would set an undesirable precedent for similar applications in the “AGR” zone. The cumulative effect of approving such applications would result in general degradation of the environment in the area.

[Mr K.C. Siu returned to join the meeting at this point.]

65. In response to the Chairman’s question, Mr C.T. Lau, STP/STN, said that the vehicle repair workshop and open storages surrounding the site were suspected unauthorised developments.

Deliberation Session

66. 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 application is not in line with the planning intention of the “Agriculture” zone which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.

It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;

- (b) the applicant fails to demonstrate that the applied use located within the water gathering ground would not cause adverse water quality impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications in the area. The cumulative effect of approving such applications would result in a general degradation of the environment in the area.”

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

Agenda Items 18 and 19

Section 16 Applications

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/585 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 674 S.B and Adjoining Government Land in D.D. 11, Fung Yuen Village, Tai Po
(RNTPC Paper No. A/TP/585)

A/TP/586 Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Village Type Development” Zones, Lot 674 S.A and Adjoining Government Land in D.D. 11, Fung Yuen Village, Tai Po
(RNTPC Paper No. A/TP/586)

67. The Committee noted that the two applications were similar in nature and

presented in one paper, and the sites were located in close proximity to each other and straddling the same “Green Belt” and “Village Type Development” zones. The Committee agreed that the applications should be considered together.

68. The Secretary reported that Dr W.K. Yau had declared an interest in the item for being the Chairman of the Advisory Committee and the Management Committee of Fung Yuen Butterfly Reserve, which was located near the sites. Members considered that the interest of Dr Yau was direct, and he should leave the meeting temporarily for the item.

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

Presentation and Question Sessions

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

- (a) background to the applications that each of the sites was involved in a previous application for Small House development (i.e. applications No. A/TP/563 and 564 covering the site of applications No. A/TP/586 and 585 respectively) submitted by the same applicants, which were rejected by the Committee in 2014;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House) at each of the sites;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the applications;
- (d) during the first three weeks of the statutory publication period, two public comments on each of the applications were received from Designing Hong Kong Limited and an individual objecting to the applications mainly on the grounds that the proposed developments were not in line with the

planning intention of the “Green Belt” (“GB”) zone and the Town Planning Board Guidelines No. 10 on Application for Development within “GB” zone (TPB PG-No. 10); they would cause adverse environmental and car parking impacts; no impact assessments on environment, landscape, drainage and sewerage were provided; and previous applications at the sites were rejected. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s – PlanD did not support the applications based on the assessments set out in paragraph 12 of the Paper. The proposed Small House developments were not in line with the planning intention of the “GB” zone and did not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that there was no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zones of Fung Yuen.

70. In response to the Chairman’s question, Mr C.T. Lau, STP/STN, said that as compared with the previous applications submitted by the same applicants, the applicants had undertaken in the current applications to submit a geotechnical planning review report and carry out a natural terrain hazard study. Hence the Geotechnical Engineering Office, Civil Engineering and Development Department had no adverse comment on the current applications.

Deliberation Session

71. After deliberation, the Committee decided to reject the applications. Members then went through the reason for rejection as stated in paragraph 13.1 of the Paper and considered that it was appropriate. The reason for each of the applications was :

- “ the proposed Small House development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House development in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the

“Village Type Development” zone.”

[The Chairman thanked Ms Channy C. Yang and Mr C.T. Lau, STPs/STN, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Fanling, Sheung Shui and Yuen Long East District

[Mr Kepler S.Y. Yuen and Mr K.T. Ng, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

Agenda Item 20

Section 12A Application

[Open Meeting]

Y/YL-NSW/1 Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To rezone the application site from “Residential (Group D)” to “Residential (Group D)1”, Lots 594, 595, 600, 1288 S.B RP (Part), 1289 S.B RP (Part) and 1292 S.B RP (Part) in D.D. 115, Tung Shing Lei, Nam Sang Wai, Yuen Long (RNTPC Paper No. Y/YL-NSW/1B)

72. The Secretary reported that the application was submitted by Topwood Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK), and Environ Hong Kong (Environ), AECOM Asia Co. Limited (AECOM) and Urbis Ltd. (Urbis) were three of the consultants of the applicants. The following Members had declared interests in the item :

Professor S.C. Wong - having current business dealings with AECOM; and
(the Vice-chairman) being the Chair Professor and Head of Department of Civil Engineering of the University of Hong Kong where AECOM had sponsored some activities of the Department

- Dr W.K. Yau - being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK

- Mr Ivan C.S. Fu - having current business dealings with SHK, Environ, AECOM and Urbis

- Ms Janice W.M. Lai - having current business dealings with SHK, Environ, AECOM and Urbis

- Ms Christina M. Lee - being the Secretary – General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK

73. Members noted that Dr W.K. Yau and Ms Janice W.M. Lai had left the meeting already. Members also noted that the applicant had requested for deferment of consideration of the application and agreed that the remaining Members who had declared interests could stay in the meeting. However, as the interest of Mr Ivan C.S. Fu was direct, he should refrain from participating in the discussion.

74. The Committee noted that on 10.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the departmental comments received from the Drainage Services Department and Agriculture, Fisheries and Conservation Department, and to allow time for the respective departments to review the application. This was the applicant's third request for deferment. During the deferment period, the applicant had demonstrated efforts in submitting further information to address departmental comments. More time was required by the applicant to prepare further information to address departmental comments received and to allow time for the respective departments to review the application.

75. 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. If the further

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

Agenda Item 21

Section 16 Application

[Open Meeting]

A/FLN/5 Temporary Shop and Services and Office Use for a Period of 3 Years in "Government, Institution or Community" Zone, Lot 130 S.A RP in D.D. 52 and Adjoining Government Land, Fu Tei Au, Sheung Shui (RNTPC Paper No. A/FLN/5)

76. The Committee noted that on 8.7.2015, the applicant had requested for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

77. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. If the further information submitted by the applicant was not substantial and could be processed within a shorter time, the application could be submitted to an earlier meeting for the Committee's consideration. The Committee also agreed to advise the applicant that 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 22

Section 16 Application

[Open Meeting]

A/YL-KTN/466 Temporary Place of Recreation (including Barbecue Spot, Picnic Area, Children Playground and Handicraft Making Area) with Ancillary Facilities for a Period of 3 Years in “Agriculture” and “Village Type Development” Zones, Lots 678 (Part), 679 (Part), 680 (Part) , 681 (Part), 682 (Part), 684RP (Part) and 1615 (Part) in D.D. 109 and Adjoining Government Land, Shui Mei Tsuen, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/466)

78. The Committee noted that on 30.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of relevant government departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 23

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/467 Proposed House (New Territories Exempted House - Small House) in
“Agriculture” Zone, Lot 58 S.A in D.D. 110, Tai Kong Po Tsuen, Kam
Tin, Yuen Long
(RNTPC Paper No. A/YL-KTN/467)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, five public comments were received from two villagers and Designing Hong Kong Limited objecting to the applications mainly on the grounds that the applicant was not an indigenous villager and approval of the application would invite similar applications for development of Small Houses leading to cumulative adverse impact on the environment; the local roads, parking and other infrastructures were not adequate to support increasing residents in the area; the development was not in line with the planning intention of the “Agriculture” zone and quality farmland should be preserved; and no impact assessment had been completed for traffic, sewerage or environment. No local objection/view was received by the District

Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application generally met the Interim Criteria for Consideration of Application for NTEH/Small House Development in New Territories in that the site was located entirely within the village 'environs' and there was no "V" zone for Tai Kong Po to meet the outstanding and 10-year demand for Small Houses of Tai Kong Po. Regarding the public comments received, all concerned departments had no adverse comment on or no objection to the application.

81. Members had no question on the application.

Deliberation Session

82. 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 17.7.2019, 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 septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB;
- (b) the submission and implementation of a landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of a drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “ (a) to note the comments of the Director of Fire Services that the applicant should follow the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department;
- (b) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should take appropriate measures to prevent polluting or disturbing the pond in the vicinity of the site during construction;
- (c) to note the comments of the Director of Environmental Protection that the proposed development is outside water gathering ground, and the area and its vicinity are not served by public sewers. In view of the small population and nature of the proposed development, septic tank and soakaway system is considered a suitable treatment system provided that its design and operation follows the requirements in the Environmental Protection Department’s Practice Note for Professional Person (ProPECC) PN 5/93 ‘Drainage Plans subject to Comment by the Environmental Protection Department’, including percolation test and certification by Authorised Person; and
- (d) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

Agenda Item 24

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/468 Proposed Public Utility Installation (Package Substation) and Excavation of Land in “Village Type Development” Zone and an area shown as ‘Road’, Government Land in D.D. 109, Kam Tin, Yuen Long (RNTPC Paper No. A/YL-KTN/468)

84. The Secretary reported that the application was submitted by CLP Power Hong Kong Ltd. (CLP). Dr W.K. Yau and Ms Christina M. Lee had declared interests in the item as Dr Yau was a Member of the Education Committee and the Energy Resources Education Committee of CLP while Ms Lee was the Secretary-General of the Hong Kong Metropolitan Sports Events Association which had obtained sponsorship from CLP. Members noted that Dr Yau had left the meeting already. Members also noted that Ms Lee had no involvement in the application and agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed public utility installation (package substation) and excavation of land;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 11 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

86. Members had no question on the application.

Deliberation Session

87. 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 17.7.2019, 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 design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site falls within unallocated Government Land. The site is not covered by any Modification of Tenancy or Building License. The applicant should submit application to his office prior to the occupation and excavation of the Government Land. His office will consider the application in the capacity as the landlord at its sole discretion. There is no guarantee that such application will be approved. Any application(s), if approved, would be subject to such terms and conditions including, among others, the payment of premium, rent and or administrative fee as may be imposed by LandsD;
- (b) to note the comments of the Director of Electrical and Mechanical

Services that the applicant has to comply with the Electricity Ordinance and relevant statutory requirements for the design and operation of electricity package substation. As the proposed development is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible. The applicant and his contractor(s) shall observe the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines;

- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that there are some trees to the southwest of the site. The applicant should adopt appropriate measures to avoid impacts on these trees (including their root and crown) during construction;
- (d) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should consider to provide screen planting outside the application site for screening purpose;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the proposed development should neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owner(s) for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;
- (f) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of

where the proposed FSIs to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

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

- (h) to note the comments of the Director of Health that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields, such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. As such, the project proponent must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in

the planning of new electrical facilities.”

Agenda Item 25

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/718 Temporary Open Storage of Goods Vehicles for Sale for a Period of 3 Years in “Residential (Group D)” Zone, Lots 101 S.J (Part), 179 S.A RP (Part), 179 S.E RP (Part) and 179 S.D & S.F & S.G & S.I (Part) in D.D. 111 and Adjoining Government Land, Pat Heung, Yuen Long (RNTPC Paper No. A/YL-PH/718)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of goods vehicles for sale for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of existing residential structures/dwellings in the vicinity of the site and environmental nuisance affecting the residents was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received 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 3 years based on the

assessments as detailed in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was generally in line with the TPB PG-No.13E in that the concerns of departments could be addressed through implementation of approval conditions. Although DEP did not support the application, there was no record of environmental complaint received by DEP in the past three years and no local objection had been received during the statutory publication period.

90. Members had no question on the application.

Deliberation Session

91. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed at the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicles exceeding 24 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the setting back of the western boundary of the site to avoid encroachment

upon the Waterworks Reserve area at all times during the planning approval period;

- (f) no tree/shrub shall be planted within the Waterworks Reserve area at any time during the planning approval period;
- (g) a proper vehicular access/run-in between the site and the public road shall be maintained at all times during the planning approval period;
- (h) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (i) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (j) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (k) the submission of the 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 17.10.2015;
- (l) the provision of fire extinguisher(s) together with a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 28.8.2015;
- (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 17.1.2016;
- (n) in relation to (m) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.4.2016;

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

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

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) 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 comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No permission has been given for occupation of government land (GL) (about 43m² subject to verification) within the site. The site is accessible from Fan Kam Road via private land and GL. LandsD does not provide maintenance work on this GL nor guarantee right of way. The lot owner(s) concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment

of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the access point at Fan Kam Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (g) to note the comments of the Chief Engineer 1/Major Works, HyD that the site is located along Fan Kam Road and close to the project “Preliminary Design and Investigation for the Improvement to Fan Kam Road” (“the Project”). The applicant should be required to remove any existing signboards, fence walls, features etc. along Fan Kam Road under their control, if any, as may be required by his office due to proceedings of the Project in future;
- (h) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the comments of the Director of Agriculture, Fisheries and

Conservation that the applicant should adopt all necessary measures to prevent polluting the adjacent stream as far as practicable;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is required to rectify the drainage system if they are found to be inadequate or ineffective during operation. The applicant shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the drainage system. The proposed development would neither obstruct overland flow nor adversely affect any existing natural streams, village drains, ditches and the adjacent areas;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Good practice guidelines for open storage (Appendix V of the Paper) should be adhered to. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (l) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that the site encroaches upon 10m wide WSD's Waterworks Reserve (WWR) for an existing strategic 48" diameter water main. Diversion of the water main shall not be considered. The developer must ensure that no structure shall be erected over this WWR and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all time to the said area with necessary plant and vehicles for

the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize. The Government shall not be liable to any damage whatsoever and howsoever caused arising from burst or leakage of the public water mains within and in close vicinity of the site;

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the measures including prior to establishing any structure within the site, the applicant and/or his contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. In addition, the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines; and

- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the BO and should not be designated for any use under the subject application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority should be obtained. Otherwise, they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in

accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

[Mr Peter K.T. Yuen left the meeting temporarily at this point.]

Agenda Item 26

Section 16 Application

[Open Meeting]

A/YL-NSW/238 Proposed Filling of Land for Construction of Permitted New Territories Exempted Houses in “Village Type Development” Zone, Lots 3782, 3755 RP, 3780 S.B RP, 3756 S.C RP in D.D. 104, Pok Wai, Yuen Long
(RNTPC Paper No. A/YL-NSW/238)

93. The Committee noted that on 2.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments from the Highways Department. This was the first time that the applicant requested for deferment.

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

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

Agenda Item 27

Section 16 Application

[Open Meeting]

A/YL-NTM/321 Proposed Temporary Container Vehicle Park with Ancillary Facilities (Including Site Offices, Staff Rest Rooms, Storage of Diesel Barrels) for a Period of 3 Years in "Open Storage" Zone, Lots 2790 (Part), 2798 RP (Part), 2799 (Part), 2800, 2801 in D.D. 102 and Adjoining Government Land, Kwu Tung Road, Ngau Tam Mei, Yuen Long (RNTPC Paper No. A/YL-NTM/321)

95. The Committee noted that on 26.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments from the Environmental Protection Department and Fire Services Department. This was the first time that the applicant requested for deferment.

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

Agenda Item 28

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/468 Renewal of Planning Approval for Temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) for a Period of 3 Years in “Residential (Group D)” Zone, Lots 158, 162 RP (Part) and 198 S.B in D.D.105 and Adjoining Government Land, San Tin, Yuen Long
(RNTPC Paper No. A/YL-ST/468)

Presentation and Question Sessions

97. Mr K.T. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the renewal of planning approval for temporary Public Vehicle Park (Including Container Vehicles and Heavy Goods Vehicles) under application no. A/YL-ST/416 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received 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 further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 2 areas under the Town Planning Board Guidelines for

Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was in line with the TPB PG-No. 13E and the TPB PG-No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development. All concerned departments had no adverse comment on or no objection to the application.

[Mr Peter K.T. Yuen returned to join the meeting at this point.]

98. Members had no question on the application.

Deliberation Session

99. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.8.2015 to 7.8.2018, on the terms of the application as submitted to the TPB and subject to the following conditions :

- “ (a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, repairing and workshop activity, including container repairing and vehicle repairing, are allowed on the site at any time during the planning approval period;
- (d) the existing trees within the site shall be maintained at all times during the planning approval period;
- (e) the paving and boundary fencing on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times

during the planning approval period;

- (g) the submission of as-built drainage plans and photographic records of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.11.2015;
- (h) 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 8.2.2016;
- (i) in relation to (h) above, the implementation of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2016;
- (j) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease under which no structure is allowed to be erected without prior approval of the Government. No permission is given for occupation of government land (GL) (about 868m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. Lot 162 RP in D.D. 105 is covered by a Short Term Waiver (STW) which permits structures for "public vehicle park (including container vehicles and heavy goods vehicles)" purposes. The site is accessible to Castle Peak Road – San Tin through GL and private land. His office provides no maintenance work for the GL involved and do not guarantee any right-of-way. The STW holder will need to apply to his office for modification of the STW conditions to regularize any irregularities on site. Besides, the lot owners of the lots without STW will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Castle Peak Road – San Tin should be commented and approved by the Commissioner for Transport (C for T). If the proposed run-in is agreed by C for T, the applicant should construct a run in/out at the access point at the Castle Peak Road – San Tin in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or

H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. HyD is not and shall not be responsible for the maintenance of any access connecting the site and Castle Peak Road – San Tin. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (d) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does

not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that all the drainage facilities should be maintained by the applicant at his own cost. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. No public sewerage maintained by DSD is currently available for connection. For sewage disposal and treatment, agreement from the Director of Environmental Protection shall be obtained. The applicant is reminded that the drainage works outside the site boundary should not cause encroachment upon areas outside his jurisdiction. The applicant should consult DLO/YL, LandsD regarding all the drainage works outside the site boundary in order to ensure the unobstructed discharge from the site in future;
- (g) to note the comments of the Commissioner of Police that there shall be no activity whatsoever associated with parallel trading conducted on site; and
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area.”

[The Chairman thanked Mr Kepler S.Y. Yuen and Mr K.T. Ng, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

Tuen Mun and Yuen Long West District

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

Agenda Items 29 to 31

Section 16 Applications

[Open Meeting]

A/TM/474 Shop and Services in “Other Specified Uses” annotated “Business” Zone, Workshop 126 (Part), G/F, Hang Wai Industrial Centre, No. 6 Kin Tai Street, Tuen Mun
(RNTPC Paper No. A/TM/474)

A/TM/475 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Workshop 114 (Part), G/F, Hang Wai Industrial Centre, No. 6 Kin Tai Street, Tuen Mun
(RNTPC Paper No. A/TM/475)

A/TM/476 Proposed Shop and Services in “Other Specified Uses” annotated “Business” Zone, Workshop 51 (part), G/F, Hang Wai Industrial Centre, No. 6 Kin Tai Street, Tuen Mun
(RNTPC Paper No. A/TM/476)

101. The Committee noted that the three applications for ‘Shop and Services’ use were similar in nature and the application premises were located on the G/F of the same building (Hang Wai Industrial Centre). The Committee agreed that the applications should be considered together.

Presentation and Question Sessions

102. Ms Polly O.F. Yip, STP/TMYLW, said that the replacement pages (page 7) to the Papers No. A/TM/474 & A/TM/475 to rectify the typographical errors were sent to Members before the meeting. Ms Yip then presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications;

- (b) the shop and services for Application No. A/TM/474 and the proposed shop and services for Applications No. A/TM/475 and A/TM/476;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers. The Director of Fire Services (D of FS) objected to the applications from fire safety point of view as the means of escape from the premises were not totally separated from the industrial portion of the building;
- (d) during the first three weeks of the statutory publication period, 402 public comments were received on Applications No. A/TM/474 and A/TM/475 and one public comment on Application No. A/TM/476. All public comments objected to the applications mainly on the grounds that the approval of the applications would set an undesirable precedent for other uses in breach of lease conditions in the subject building; the proposed use would attract additional patrons which would adversely affect the building structure and security and safety of the users; the proposed use would reduce the supply of premises for industrial uses and increase the price of those premises; the proposed use was not compatible with the industrial uses in the proximity of the premises, posing a threat to the patrons or users; and the premises did not have direct shop frontage allowing separated access from the industrial portion of the subject building. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments set out in paragraph 11 of the Papers. Although the 'Shop and Services' use at the premises was generally in line with the planning intention, D of FS objected to the application as the means of escape from the premises was not totally separated from the industrial portion of the building. The applications did not comply with the Town Planning Board Guidelines for Development within "Other Specified Uses (Business)" Zone (TPB PG-No. 22D) in that no separate means of escape was available for the commercial portion.

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

103. Members had no question on the application.

Deliberation Session

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

(For Application No. A/TM/474)

“ the ‘Shop and Services’ use at the premises does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that means of escape separated from the industrial portion is not available for the application premises. The ‘Shop and Services’ use is unacceptable from fire safety point of view.”

(For Applications No. A/TM/475 and A/TM/476)

“ the proposed ‘Shop and Services’ use at the premises does not comply with the Town Planning Board Guidelines for Development within “Other Specified Uses (Business)” Zone (TPB PG-No. 22D) in that means of escape separated from the industrial portion is not available for the application premises. The proposed ‘Shop and Services’ use is unacceptable from fire safety point of view.”

[Professor Eddie C.M. Hui left the meeting temporarily at this point.]

Agenda Item 32

Section 16 Application

[Open Meeting]

A/TM/477

Proposed House (New Territories Exempted House - Small House) in “Village Type Development” Zone and an area shown as ‘Road’, Lot 538 S.K in D.D. 130, To Yuen Wai, Tuen Mun
(RNTPC Paper No. A/TM/477)

105. The Committee noted that on 30.6.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the concerns raised by the Environmental Protection Department. This was the first time that the applicant requested for deferment.

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

Agenda Item 33

Section 16 Application

[Open Meeting]

A/YL-HT/943 Temporary Open Storage of Vehicles Not Yet Licenced to Run on the Road and Private Car Parking for a Period of 1 Year in “Government, Institution or Community” and “Recreation” Zones, Lots 515 RP (Part), 518 (Part), 521 (Part), 522, 523, 524 (Part), 525 (Part), 526 (Part), 1247 RP (Part), 1249 (Part), 1250 (Part), 1251 RP, 1252, 1253, 1254, 1255 (Part), 1256 (Part), 1257, 1258 RP, 1259 (Part), 1260, 1261 and 1262 RP(Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-HT/943A)

107. The Secretary reported that Ms Janice W.M. Lai had declared an interest in the item as her spouse was a shareholder of a company which owned two pieces of land in Ha Tsuen. Members noted that Ms Lai had left the meeting already.

108. The Committee noted that on 6.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Commissioner for Transport and the Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s second request for deferment.

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

Agenda Item 34

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PN/43 Renewal of Planning Approval for Temporary Place of Recreation, Sports or Culture (Fishing Ground) for a Period of 3 Years in “Agriculture” Zone, Lots 80 (Part) and 81 (Part) in D.D. 135 and Adjoining Government Land, Pak Nai, Yuen Long
(RNTPC Paper No. A/YL-PN/43)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary Place of Recreation, Sports or Culture (Fishing Ground) under application No. A/YL-PN/37 for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, no public comment was received 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 further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The proposed

renewal application complied with the Town Planning Board Guidelines on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B). All concerned departments had no adverse comment on or no objection to the application.

[Professor Eddie C.M. Hui returned to join the meeting at this point.]

111. Members had no question on the application.

Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 8.9.2015 to 7.9.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 9:00 p.m. and 7:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (c) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (d) the submission of condition record of the existing drainage facilities within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.12.2015;
- (e) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 8.3.2016;

- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.6.2016;
- (g) the submission of landscape and tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 8.3.2016;
- (h) in relation to (g) above, the implementation of landscape and tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 8.6.2016;
- (i) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (j) if any of the above planning conditions (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

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

restriction that no structure is allowed to be erected without prior approval from the Government. No permission is given for occupation of government land (GL) (about 130m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible to Nim Wan Road through a local track on GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The lot owners will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Besides, Short Term Tenancy application for occupation of GL is required. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized 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 may be taken by BD to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto

from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize the potential environmental impact on the surrounding area;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant is advised to adopt appropriate measures to prevent any disturbance or environmental hygiene problems that may affect the nearby fishponds and fish culture activities during the operation of the proposed fishing pond;
- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the Transport Department’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Nim Wan Road;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit

relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans;

- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that with reference to the further information submitted on 11.6.2015 and his site visit dated 2013, it was observed to have 68 trees, but it is noted that there are only 63 trees in the current application. Furthermore, there is opportunity for tree planting along the southern boundary. An updated tree preservation programme should be submitted; and
- (j) to note the comments of the Director of Food and Environmental Hygiene that no sanitary nuisance shall be generated from the site or proposed activities.”

Agenda Item 35

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/481 Proposed Filling of Land for Permitted New Territories Exempted Houses (Small Houses) in “Village Type Development” Zone, Lots 185 S.A RP, 185 S.B ss.1, 185 S.B ss.2, 185 S.B ss.3, 185 S.B ss.4, 185 S.B ss.5, 185 S.B ss.7 and 185 S.B RP in D.D. 123, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/481)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the filling of land for permitted New Territories Exempted Houses (NTEHs) (Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

[Mr Martin W.C. Kwan left the meeting at this point.]

- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the village type development mainly on the grounds that there was still a lot of land in urban area with sufficient infrastructure for housing development; “Green Belt” and “Agriculture” zones and natural environment/habitat should be protected to promote habitats conservation, developing those areas would damage the natural resources and ecosystem; and arable land was important for local agricultural development, local food supply, public education and livelihood of farmers. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 12 of the Paper. The application was considered not in contravention with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C). All concerned departments had no adverse comment on or no objection to the application. Regarding the public comments received, the above assessments were relevant.

115. Members had no question on the application.

Deliberation Session

116. 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 17.7.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “ (a) the submission of drainage proposal including drainage mitigation measures before the issue of any certificate of exemption by the Lands Department to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) in relation to (a) above, the implementation of drainage proposal upon completion of the land filling works to the satisfaction of the Director of Drainage Services or of the TPB; and
- (c) if any of the above planning conditions (a) or (b) is not complied with, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “ (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the registered lot owners should inform LandsD that planning approval(s) was obtained. The applicants' Small House applications would be further processed by LandsD acting in the capacity of a landlord at its sole discretion;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that site formation works and drainage works are building works under the control of the Buildings Ordinance (BO). Before any new site formation and/or drainage works are to be

carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the coordinator for the proposed site formation and/or drainage works in accordance with the BO. Notwithstanding the above, the Director of Lands may issue a certificate of exemption from prior approval and consent of BA in respect of site formation and/or drainage works in the New Territories under the BO (Application to the New Territories) Ordinance. The applicants may approach DLO/YL, LandsD or seek AP's advice for details;

- (c) to note the comments of the Director of Environmental Protection that the applicants are reminded to make reference to the requirements in Hong Kong Planning Standards and Guidelines for sewage disposal. If septic tank and soakaway system is used, its design and operation should follow the requirements of the Environmental Protection Department's Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department", including percolation test and certification by AP. Provisions should be made for connections to public foul sewers when such is available in the vicinity;
- (d) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the installation, operation and maintenance of any sub-main within the private lots to WSD's standards; and
- (e) to note the comments of the Director of Fire Services that the applicants are advised to follow "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD."

Agenda Item 36

Section 16 Application

[Open Meeting]

A/YL-PS/482 Proposed Temporary Warehouse (Storage of Electronic Products and Daily Necessities) for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 139 (Part), 140, 141, 145 (Part), 146, 147, 148 (Part), 149 (Part), 151, 152, 155 (Part), 159, 160 (Part), 164 (Part), 165 (Part), 166 (Part), 167, 168 (Part), 169, 170, 177, 178 (Part), 179 (Part) in D.D. 122 and Adjoining Government Land, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/482)

118. The Committee noted that on 9.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the requirements of relevant government departments. This was the first time that the applicant requested for deferment.

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

Agenda Item 37

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/483 Proposed Temporary Shop and Wholesale of Construction Materials for a Period of 3 Years in “Government, Institution or Community” Zone, Lots 255 RP (Part), 261 RP (Part) and 262 RP (Part) in D.D. 122, Ping Shan, Yuen Long
(RNTPC Paper No. A/YL-PS/483)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) proposed temporary shop and wholesale of construction materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from an individual objecting to the application mainly on the grounds of environmental nuisance; approval would encourage more open storage use in the area and setting of undesirable precedent. The commenter queried why no community use had been proposed for the site which was zoned “Government, Institution or Community” and government land should not be left idle. 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 3 years based on the assessments set out in paragraph 11 of the Paper. Regarding the public comment received, all concerned departments had no adverse comment on or no objection to the application. Besides, it should be noted that the proposed use would be carried out in an enclosed structure and the land was under private ownership. There was no permanent development proposal at the site for the time being.

121. Members had no question on the application.

Deliberation Session

122. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined under the Road Traffic Ordinance, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) no cutting, dismantling or other workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.1.2016;

- (f) in relation to (e) 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 17.4.2016;
- (g) in relation to (f) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (h) 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 17.1.2016;
- (i) in relation to (h) 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 17.4.2016;
- (j) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2016;
- (k) in relation to (j) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2016;
- (l) the provision of boundary fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (g) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (e), (f), (h), (i), (j), (k) or (l) is not

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

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

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

- “ (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority (BA)’s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The site is accessible through an informal village track on government land (GL) and private land extended from Tsui Sing Road. His office does not provide maintenance works for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The lot owner(s) concerned will need to apply to his office to permit the structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole
- ”

discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by BA for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the 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) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under the application is subject to the issue of a licence, the applicant is reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (e) to follow the latest "Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental nuisance to the surrounding area;

- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under the Transport Department’s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that drainage facilities outside the site for discharge to the “manhole” shown on Figure 5 (Appendix Ic of the Paper) are unknown. The “manhole” outside the site where the applicant proposed to discharge the site’s stormwater is not maintained by DSD. Apparently it is the exclusive road drain of the roadside landscape area of Long Tin Road and maintained by the Highways Department. The applicant should review the downstream discharge path outside the site. The applicant is reminded that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any works to be carried out outside the applicant’s lot boundary before commencement of the drainage works;
- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the

layout plans. If the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

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

Agenda Item 38

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/351 Temporary Private Swimming Pool for a Period of 3 Years in "Village Type Development" Zone, Lots 3314 S.A and 3314 RP in D.D. 120, Sham Chung Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TT/351)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary private swimming pool for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments were received from private individuals raising objection to/concerns on the application. A commenter opined that planning permission for short periods should not be encouraged and the site should be used for housing purpose. The other commenters pointed out that the site was illegally occupied by the applicant and expressed worries on the safety issues and the nuisances to the surrounding residents generated by the swimming pool use. 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 3 years based on the assessments set out in paragraph 11 of the Paper. Regarding the public comments received, it should be noted that private land dispute was not a material consideration of the current application and the applicant would be advised to resolve land issue relating to the development with the concerned owner(s). Besides, all concerned departments had no adverse comment on or no objection to the application.

125. Members had no question on the application.

Deliberation Session

126. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the existing trees and landscape plantings within the site shall be maintained at all times during the planning approval period;
- (b) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (c) the submission of records 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 17.10.2015;
- (d) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (e) if the above planning condition (c) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (c) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the

restriction that no structure is allowed to be erected without the prior approval of the Government. Lots No. 3314 S.A and 3314 RP in D.D. 120 are covered by Short Term Waivers (STWs) which permit the structures erected thereon for the purpose of private swimming pool with associated filtration plant room. The lot owner(s) will need to apply to his office to permit any additional/excessive structure to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and private land extended from Sham Chung Road. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;

- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Sham Chung Road;
- (f) to note the comments of the Director of Environmental Protection that the requirements under the Water Pollution Control Ordinance should be observed if there is any effluent discharge from the proposed use. The applicant is also advised to observe the following requirements in Environmental Protection Department (EPD)'s Practice Note for Professional Person (ProPECC) PN 5/93 "Drainage Plans subject to Comment by the Environmental Protection Department" : (i) swimming pool main drain, footbath main drain and swimming pool make-up tank drain should be connected to stormwater drains while the filtration plant backwash should be discharged to foul sewers; and (ii) in case of unavailability of public sewer, if septic tank and soakaway system is used

for the filtration plant backwash, its design and operation should follow the requirements in the ProPECC PN 5/93, including the percolation test and certification by Authorized Person. Provisions should be made for connections to public foul sewers when such is available in the vicinity;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant is reminded to provide his own drainage facilities to collect the runoff generated from the site or passing through the site and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities. The applicant is also reminded to consult DLO/YL, LandsD and seek consent from the relevant owner(s) for any works to be carried out outside his lot boundary before commencement of the drainage works; and

- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, the applicant shall carry out measures including prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 39

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/721 Dangerous Goods Godown in “Industrial (Group D)” Zone, Lot 1092
S.B ss.7 RP in D.D. 121, Tong Yan San Tsuen Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/721A)

128. The Secretary reported that MVA Hong Kong Ltd. (MVA) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in the item as he had current business dealings with MVA. Members noted that Mr Fu had no involvement in the application and agreed that he could stay in the meeting.

Presentation and Question Sessions

129. Ms Bonita K.K. Ho, STP/TMYLW, provided an updated information on Plan A-2 of the Paper and said that application No. A/YL-TYST/612 located to the northwest of the site was revoked due to non-compliance with approval conditions in early 2015. She then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the dangerous goods godown;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) had no comment on the application only if the applicant could fully implement the preferred vehicular access option (i.e. Option 3 at Drawing A-8 of the Paper), which involved demolition of the existing boundary wall and fence along the eastern edge of the site, and the unauthorized structure in the adjacent land, so as to improve the sightline of the vehicular access. However, C for T doubted whether the unauthorized structure could be demolished and opined that Option 3 would not be realized;

- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of 21 public comments were received from a Yuen Long District Council Member, local residents, members of the public and the Owner's Corporation of Kam Lai Garden, the Incorporated Owners of Recours La Serre, No. 19 Sha Tseng Road, Greenville Residence, Windsor Villa, Fu Lai Garden, the Management Office of The Eldorado, the property management company of Greenville Residence, the Owner's Committee of Jasper Court and Marbella Garden. The commenters objected to the application mainly on the grounds that that the proposed development was too close to residential developments and would pose fire and safety risks and to the nearby residents. Some commenters expressed concerns on the potential environmental nuisances/impacts, while others were worried about the potential traffic safety impact and danger arising from the use of the proposed access where vehicular traffic was frequent. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. The development was not incompatible with the surrounding uses in the “Industrial (Group D)” zone comprising similar industrial uses. However, C for T doubted whether the preferred vehicular access option could be realized. The applicant failed to demonstrate the feasibility in removing the obstructions in the surrounding land so that the proposed access point could be enhanced to meet the minimum sightline distance and thus failed to demonstrate that the development would not generate adverse traffic safety impact on other road users.

130. The Chairman noted that the site was zoned “Industrial (Group D)” and some industrial uses would be always permitted under this zone for the site. He asked if the vehicular access problem would still be valid. In response, Ms Bonita K.K. Ho, STP/TMYLW, said that according to the comments of the Commissioner for Transport, it would be dangerous for vehicles travelling downhill along Tong Yan San Tsuen Road due to the poor sightline of the vehicular access. As transportation of dangerous goods

(compressed gases)/fire extinguishers would be involved, it was important to improve the sightline of the vehicular access to ensure traffic safety.

Deliberation Session

131. 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 applicant fails to demonstrate that the proposed site access arrangement measures for meeting the sightline requirement can be implemented and that the proposed development would not generate adverse traffic safety impact on other road users.”

Agenda Item 40

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/742 Temporary Warehouse for Storage of Clothes and Household Products and Logistics Centre for a Period of 3 Years in “Undetermined” Zone, Lots 747 (Part), 748 (Part), 749 (Part), 750 (Part), 752 (Part), 753 (Part), 754 (Part), 757 (Part), 758 (Part), 759 (Part), 760 S.B (Part), 761, 762, 763, 764 S.A (Part), 771 (Part), 789 (Part), 793 (Part), 794, 795, 796, 797, 798 (Part) and 804 RP (Part) in D.D 117 and Adjoining Government Land, Kung Um Road, Yuen Long
(RNTPC Paper No. A/YL-TYST/742)

Presentation and Question Sessions

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

- (a) background to the application;

- (b) temporary warehouse for storage of clothes and household products and logistics centre for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the immediate south and east and in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application in view of the previous revocations of planning permissions related to the site and the applicant's lack of commitment to comply with the relevant approval conditions. 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 3 years based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was generally in line with the TPB PG-No. 13E in that the site fell within Category 1 areas which were considered suitable for open storage and port back-up uses, and the concerns of relevant Government departments could be addressed through the implementation of approval conditions. Although DEP did not support the application, there was no record of environmental complaint received by DEP in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, the type of vehicles used and activities onsite, as well as requiring the provision of boundary fence were recommended. Regarding the public comment received, shorter compliance periods were recommended for close monitoring of the progress on compliance and the applicant would be advised that sympathetic consideration might not be given to any

further application should he fail to comply with any of the approval conditions again resulting in revocation of planning permission.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no repairing, cleaning, dismantling or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of plastic waste, electronic waste and used electrical appliances, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;

- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2015;
- (i) the provision of boundary fence on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (j) the submission of run-in/out proposal at the access point at Kung Um Road within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.10.2015;
- (k) in relation to (j) above, the provision of run-in/out at the access point at Kung Um Road within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.1.2016;
- (l) the submission of revised tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (m) in relation to (l) above, the implementation of tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2016;
- (n) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2015;
- (o) in relation to (n) above, the implementation of fire service installations

proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2016;

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

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 site;
- (b) shorter compliance periods are allowed to monitor the progress on compliance with conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (c) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings

Ordinance (BO). The applicant should obtain the Building Authority (BA)'s prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;

- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agriculture lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No permission is given for the occupation of Government land (GL) (about 90m² subject to verification) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The lot owner(s) concerned will need to apply to his office to permit any structure to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on GL extended from Kung Um Road. His office provides no maintenance work for the track and does not guarantee any right-of-way;
- (f) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles is allowed on public road;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out at the access point at Kung

Um Road should be constructed in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Also, adequate drainage measures should be provided at the site access to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;

- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the number of existing trees shown in the tree preservation and landscape proposal is not in line with the number of trees found during her site inspection dated 25.11.2013, i.e. two trees are missing;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. However, the applicant is reminded that if the proposed structure(s) is required to comply with the BO (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of

general building plans;

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

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any

structure within the site, the applicant and/or his contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 41

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/743 Temporary Warehouse for Storage of Construction Material for a Period of 3 Years in “Undetermined” Zone, Lots 1170 A & S.B1-B5 & BRP (Part) and 1173 in D.D. 119, Pak Sha Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/743)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary warehouse for storage of construction material for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures in the vicinity of the site, and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals objecting to the application mainly on the grounds that the application would have traffic impacts on road capacity and pedestrian safety, generate nuisances and have potential runoff of toxic waste. The site was under operation prior to approval and the approval of the application would set an undesirable precedent which would lead to further proliferation of inefficient open storage uses in the area and deterioration of rural landscape resources. 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 3 years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application, there was no record of environmental complaint received by DEP in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, type of vehicles used and activities onsite were recommended. Other government departments consulted had no adverse comment on or no objection to the application. Regarding the public comments received, the above assessments were relevant.

137. Members had no question on 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 17.7.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the

applicant, is allowed on the site during the planning approval period;

- (c) no open storage at the uncovered areas, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.1.2016;
- (h) in relation to (g) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.4.2016;
- (i) the submission of the revised 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 17.1.2016;
- (j) in relation to (i) 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 17.4.2016;

- (k) in relation to (j) above, the implemented drainage facilities shall be maintained at all times during the planning approval period;
- (l) 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 17.1.2016;
- (m) in relation to (l) 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 17.4.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (k) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the 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 site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The lot owner(s) will need to apply to his office to permit the structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on both government land (GL) and private lots extended from Kung Um Road. His office does not provide maintenance works for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. The applicant is reminded that sufficient space should be provided within the site for manoeuvring of vehicles and no parking is allowed on public road;

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

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the

Environmental Protection Department to minimize any potential environmental nuisances;

- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the proposed meter room and toilet (Structure 1) (Drawing A-2 of the Paper) is located too close to the existing Bombax ceibu. The tree preservation and landscape proposal should clearly indicate the measures to prevent interference to the concerned tree;

- (h) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the invert levels of the proposed catchpits should be shown on the drainage plan for reference. The proposal should indicate how the runoff (the flow direction) within the site would be discharged to the proposed u-channel. The applicant should advise how the surface runoff at the warehouse is collected and discharged to the proposed drainage system. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The relevant connection details should be provided for comment. It should also be noted that the existing drainage facilities are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, the District Officer/Yuen Long, Home Affairs Department should be consulted. The applicant should check and ensure that the hydraulic capacity of the existing drainage facilities would not be adversely affected by the development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike should be

provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for installation, operation and maintenance of any sub-main within the private lots to WSD's standards. Besides, the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is 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 and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they

are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

- (1) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, the applicant shall carry measures including prior to establishing any structure within the site, the applicant and/or his contactor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractor(s) 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-TYST/744 Temporary Open Storage of Construction Machinery, Construction Material, Metal Ware and Vehicle Spare Parts and Ancillary Site Office for a Period of 3 Years in “Undetermined” and “Village Type Development” Zones, Lots 2406, 2407, 2408 (Part), 2409 S.B (Part) and 2419 (Part) in D.D. 120, Tong Yan San Tsuen, Yuen Long
(RNTPC Paper No. A/YL-TYST/744)

Presentation and Question Sessions

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

- (a) background to the application;
- (b) temporary open storage of construction machinery, construction material, metal ware and vehicle spare parts and ancillary site office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential structures in the vicinity of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, no public comment was received 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 1 year based on the assessments as detailed in paragraph 12 of the Paper. The site fell largely within Category 1 areas with a minor portion partly within Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application was generally in line with the TPB PG-No. 13E in that the concerns of relevant departments could be addressed through the implementation of approval conditions; the site was involved in previous planning approvals and there were similar applications that had been approved; and relevant proposals had been submitted to demonstrate that the use would not generate adverse impacts. Although DEP did not support the application, there was no record of environmental complaint received by DEP in the past three years. A shorter approval period of 1 year was granted to the previous four applications for monitoring the potential environmental impact arising from the site to the three Small Houses located to its immediate southeast. Since those Small Houses had just been occupied, a shorter approval period of 1 year was recommended for continuous monitoring of the site situation.

141. Members had no question on the application.

Deliberation Session

142. The Chairman said that should the applicant apply for renewal of the temporary planning approval after one year, the applicant should be advised to increase the proposed 10m-wide buffer area from the southeastern boundary of the site adjoining the “Village Type Development” zone.

143. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 17.7.2016, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage within 10m from the southeastern boundary of the site adjoining the “Village Type Development” zone, as proposed by the applicant, is allowed during the planning approval period;
- (d) no repairing, dismantling, cleansing or other workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any other types of electronic waste, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to park/store on or enter/exit the site, as proposed by the applicant, at any time during the planning approval period;
- (g) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;

- (j) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.10.2015;
- (k) the implementation of the accepted tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.10.2015;
- (l) 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 28.8.2015;
- (m) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.10.2015;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.1.2016;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;
and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the

TPB.”

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

- “ (a) the planning permission is given to the development/uses under application. It does not condone any other development/uses (including the vehicle repair workshop) and structures which currently exist on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) shorter approval period is allowed to monitor the situation on the site and on the progress on compliance with conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (d) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (e) the site should be kept in a clean and tidy condition at all times;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. Lots 2406, 2407, 2408, 2409 S.B and 2419 all in D.D. 120 are covered by Short Term Waivers (STWs) which permit the structures erected thereon for the purpose of open storage of construction machinery, construction materials, metal ware and vehicle spare parts and ancillary

use. The owner(s) concerned will still need to apply to his office to permit additional/excessive structure to be erected or regularize any irregularities on site. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on government land (GL) and private land extended from Kung Um Road. His office provides no maintenance works for the GL involved and does not guarantee any right-of-way;

- (g) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um 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. Moreover, sufficient space should be provided within the site for manoeuvring of vehicles and no parking on public road is allowed;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water flowing from the site to the nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that the water mains in the vicinity of the site cannot

provide the standard pedestal hydrant;

(k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage (Appendix V of the Paper) should be adhered to. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

(l) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the 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) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of

the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and

- (m) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures: (i) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

Agenda Item 43

Section 16 Application

[Open Meeting]

A/YL-TYST/745 Proposed Shop and Services in “Industrial” Zone, Lots 1278 RP, 1284 S.A and 2024 in D.D.121 and Adjoining Government Land, 9 Ping Tong Street East, Yuen Long
(RNTPC Paper No. A/YL-TYST/745)

145. The Secretary reported that MVA Hong Kong Ltd. (MVA) was one of the consultants of the applicant. Mr Ivan C.S. Fu had declared an interest in the item as he had

current business dealings with MVA. Members noted that Mr Fu had no involvement in the application and agreed that he could stay in the meeting.

146. The Committee noted that on 9.7.2015, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address the comments from the Transport Department. This was the first time that the applicant requested for deferment.

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

[The Chairman thanked Ms Polly O.F. Yip, Mr K.C. Kan and Ms Bonita K.K. Ho, STPs/TMYLW, for their attendance to answer Members' enquiries. They left the meeting at this point.]

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Any Other Business

148. There being no other business, the meeting closed at 6:00 p.m..