

**TOWN PLANNING BOARD**

**Minutes of 459th Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 10.2.2012**

**Present**

Director of Planning Mr. Jimmy C.F. Leung	Chairman
Mr. Walter K.L. Chan	Vice-chairman
Ms. Anna S.Y. Kwong	
Professor Paul K.S. Lam	
Professor Edwin H.W. Chan	
Mr. Timothy K.W. Ma	
Ms. Anita W.T. Ma	
Dr. W.K. Yau	
Chief Traffic Engineer/New Territories East, Transport Department Mr. K.C. Siu	
Principal Environmental Protection Officer (Strategic Assessment) Environmental Protection Department Mr. H.M. Wong	
Deputy Director of Planning/District Miss Ophelia Y.S. Wong	Secretary

**Absent with Apologies**

Mr. Rock C.N. Chen

Mr. B.W. Chan

Mr. Y.K. Cheng

Dr. C.P. Lau

Dr. W.K. Lo

Mr. Stephen M.W. Yip

Dr. James C. W. Lau

Assistant Director/New Territories

Lands Department

Ms. Anita K.F. Lam

Assistant Director (2), Home Affairs Department

Mr. Eric K.S. Hui

**In Attendance**

Assistant Director of Planning/Board

Mr. C.T. Ling

Chief Town Planner/Town Planning Board

Ms. Maggie Chin

Town Planner/Town Planning Board

Ms. Cindy K.F. Wong

**Agenda Item 1**

Confirmation of the Draft Minutes of the 458th RNTPC Meeting held on 20.1.2012

[Open Meeting]

1. The draft minutes of the 458th RNTPC meeting held on 20.1.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sha Tin, Tai Po and North District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/ST/13                      Application for Amendment to the Draft Sha Tin Outline Zoning Plan No. S/ST/25 from “Village Type Development” to “Government, Institution or Community (1)”, Government Land Adjoining Chi Ha Yuen, No. 186 Pai Tau Village, To Fung Shan, Sha Tin  
(RNTPC Paper No. Y/ST/13)

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3. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Toco Planning Limited, one of the consultants of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

Presentation and Question Sessions

4. The following representatives from the Planning Department (PlanD) were invited to the meeting at this point :

- Mr. K. W. Hui - District Planning Officer/ Sha Tin, Tai Po and North (DPO/STN)
- Mr. Anthony Luk - Senior Town Planner/ Sha Tin, Tai Po and North (STP/STN)

5. The following applicant's representatives were also invited to the meeting at this point :

- Mr. Chan Tat Choi
- Mr. Chiu Yau Shing
- Mr. Antony Wong
- Mr. Daniel Wei
- Ms. Kwok Wai San

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

#### Background

- (a) the applicant proposed to rezone the application site from "Village Type Development" ("V") to "Government, Institution or Community (1)" ("G/IC (1)") to continue the current columbarium use on site, under the name of Chi Ha Yuen (紫霞園), for storing a total of 3,338 urns. The application site (518.83 m<sup>2</sup>) was currently occupied by a total of four buildings, comprising three columbaria and a small storage structure;
- (b) the applicant proposed that the columbarium not exceeding a total of 3,338 was Column 1 use under the "G/IC(1)" zoning and would be always permitted whereas columbarium involving additional niches was Column 2 use and would require planning permission from the Town Planning Board

(the Board). The applicant also proposed that developments within the “G/IC(1)” zone would be subject to a maximum gross floor area (GFA) of 185.84 m<sup>2</sup>, a maximum site coverage (SC) of 35.8% and a maximum building height of 4 m;

Departmental Comments

- (c) the Director of Environmental Protection (DEP) advised that there was insufficient capacity at the existing sewer for the disposal of sewage and wastewater generated by the proposed development unless appropriate measures were proposed by the applicant. He did not support the application given the significant water quality concerns identified in the submitted environmental assessment report and sewerage impact assessment report;
- (d) the Commissioner for Transport (C for T) had no in-principle objection to the application. He opined that the existing road network would be able to cope with the traffic generated from the small-scale development and the footpaths serving the site were adequate to meet the access requirement of the visitors. There was no objection to the proposal in the absence of specific traffic arrangement since the number of visitors during festival days had been very small;
- (e) the Secretary for Food and Health (S for FH) and the Director of Food and Environmental Hygiene (DFEH) had no objection to the application. The proposed columbarium development was, in principle, in line with the policy objective to increase the supply of authorised columbarium niches in both public and private sectors to meet the increasing public demand. Pursuant to the Public Health and Municipal Services Ordinance, Cap. 132, the operation of private columbarium for storage of cremated human ashes at the moment did not require any registration, permit or licence. However, the columbarium operation still needed to comply with other statutory requirements and lease conditions now enforced by relevant departments. Subject to all statutory requirements and lease conditions

being fulfilled, his Bureau and the Food, Environmental and Health Department (FEHD) should have no objection to the application. To address local concerns over the proposed development, consideration could be given to require the project proponent to implement mitigation measures to the satisfaction of parties concerned, such as centralizing joss paper burning activities in the columbarium, providing greening where possible, and addressing traffic congestion during the gravesweeping seasons, etc. He believed relevant departments would consider the application taking into account the policy concerning the use of village 'environs';

#### Public Comments

- (f) the application was published for three times and 14, 20 and 19 public comments were received during the statutory publication periods ends on 17.6.2011, 7.10.2011 and 16.12.2011 respectively. A total of 53 public comments against the application submitted from the Sha Tin Rural Committee, the Resident Representative of Pai Tau, a villager of Pai Tau, individuals were received Their views were summarised as follows:
- (i) there was insufficient land within the "V" zone for Small House developments. Recently, the Government had rezoned the "V" to other uses, which would further reduce the land available for Small House development;
  - (ii) excessive GIC developments would destroy the tranquil environment of the village;
  - (iii) the area was in lack of vehicular access and emergency vehicular access (EVA). The only footpath was narrow and was unable to accommodate too much pedestrians. Additional police manpower for traffic control would be necessary during festival days which was a kind of waste in public resources;
  - (iv) there was concern on the provision of car parking and adverse impacts on traffic, environmental, hygienic and fung shui aspects;

- (v) the subject columbaria had been operated illegally for years and the approval of the application would set an undesirable precedent;
- (vi) as there was no enforcement action taken by the Government on illegal columbaria, more and more people converted residential buildings for columbarium use. There were now five columbaria operating illegally in Pai Tau Village. The application if approved would further increase the number of urns; and
- (vii) to discourage similar act of 'develop first, apply later', the Board should only allow those applications that had obtained valid permissions from Lands Department and Buildings Departments. Processing of similar planning applications was a waste of time and public resources;

Planning Department's views

- (g) PlanD had no objection to partially agree to the application by rezoning the application site from "V" to "G/IC" with columbarium included as Column 2 use to ensure the implementation of appropriate mitigation measures to address the environmental and sewerage impacts for the following reasons:
  - (i) the rezoning application was to regularize the existing operation of the subject columbarium which was located on the upper slopes to the northwest of Pai Tau Village and was distant from the village proper. Its surrounding areas were predominantly covered by dense vegetation and clusters of religious institutions and columbaria. As such, the subject columbarium was considered not incompatible with the surrounding land uses;
  - (ii) the application site was zoned "V" on the Outline Zoning Plan (OZP) and fell within the village 'environs' of four recognized villages (Pai Tau, Tin Liu, Sheung Wo Che and Ha Wo Che). There was insufficient land in the "V" zone to meet the demand of village houses.

However, the application site was away from the nearest village clusters at foothill and Small House application had all along been concentrated at the main village cluster downhill. It was also noted that land in the vicinity of the site were mostly occupied by temples or monasteries;

- (iii) the application site was not connected with vehicular access. Access to the site was made through a 2 to 3 m wide footpath leading from Pai Tau Village cluster downhill with a walking distance of about 1 km. The C for T had advised that the existing road network would be able to cope with the traffic generated from the small-scale development and the footpaths serving the site were adequate to meet the access requirement of the visitors. He had no in-principle objection to the application; and
- (iv) although DEP did not support the application, his concerns on water quality and sewage could be addressed by adopting appropriate mitigation measures. Since the columbarium was generally compatible with the surrounding land uses and there were no adverse comments from other government departments, sympathetic consideration might be given to rezone the site to "G/IC" where columbarium was a Column 2 use of the Notes. As such, planning conditions could be imposed to ensure implementation of appropriate mitigation measures to address the environmental and sewerage impacts when planning application was submitted to the Committee for consideration.

7. The Chairman then invited the applicant's representative to elaborate on the application. Mr. Chan Tat Choi made the following main points:

- (a) Chi Ha Yuen was a registered temple and had been in existence at the upper part of To Fung Shan since the 1960s to 1970s. In the past, there were many nuns living in Chi Ha Yuen. Besides, many religious followers visited the monastery during the festival days. However, as the nuns and the followers got old, there were less visitors to the monastery due to its isolated location. It was estimated that there were about 200 to 300

people visited the monastery during the festival days;

- (b) the urn spaces at the columbaria were mainly occupied by the deceased monks and nuns of the monastery, and followers of the institution. Only a small number of urn spaces were occupied by the outsiders. Part of the columbaria had been in existence for twenty to thirty years, which was before the gazettal of the first Sha Tin OZP;
- (c) Chi Ha Yuen was a charitable religious organisation and non-profit making. The main revenue of the monastery was from the donation of the visitors. The urns were sold to the followers and their families members at very low price;
- (d) the applicant welcomed Planning Department's recommendation to rezone the site from "V" to "G/IC". However, under the "G/IC" zone, 'columbarium' was a Column 2 use which required planning permission from the Board. Such requirement would have financial and time implications. The applicant requested the Committee to rezone the site to "G/IC(1)" with 'columbarium' use included under Column 1. As the applicant might also need to apply for lease modification from the Lands Department, appropriate provisions could be included in the lease conditions to monitor the operation of the columbaria; and
- (e) to address DEP's concern on the possible environmental impacts, the applicant agreed not to allow joss paper burning in the application site during Ching Ming and Chung Yeung Festivals. Regarding the sewage disposal, there should not be too many people visiting the columbaria and the existing sewerage facilities should have adequate capacity to serve the development.

8. Mr. Anthony Wong, the environmental consultant of the project, showed a summary table on the sewerage impact assessments at the visualizer and made following main points:

- (a) he had assessed the sewerage impacts of the applied columbaria under three scenarios;
- (b) for the 'past' scenario, it was assumed that there were 100 residents and 400 visitors at the monastery. The total sewerage generation would be 70.6m<sup>3</sup>/day which amounted to 8 to 21% of the capacity of the existing sewerage system;
- (c) for the 'worst case' scenario, it was assumed that there would be 400 visitors at the monastery. However, as there was no people living in the monastery, the total sewage generation would be 32.32m<sup>3</sup>/day which amounted to 4 to 8% of the capacity of the existing sewerage system. The sewage generation was even less than that of the 'past' scenario;
- (d) for the 'realistic' scenario, it was assumed that only 100 (out of a total of 400 visitors) would use the toilet as it was reasonable to assume that not all visitors would use the toilet. The total sewage generation would only be 4.32m<sup>3</sup>/day which amounted to 0.5 to 1.3% of the capacity of the existing sewerage system; and
- (e) the assessment confirmed that the sewage discharge from the applied columbaria would not have any adverse impacts on the existing sewerage system. In this regard, Director of Drainage Services (DSD) had no adverse comment on the planning application.

9. A Member asked whether the applicant would undertake any enhancement measures to address the sewerage impact. Mr. Anthony Wong replied that as the existing sewerage system should have sufficient capacity to serve the columbaria under application, there was no need for the applicant to undertake any mitigation measures. Mr. H.M. Wong asked the applicant's representative whether the existing sewerage pipe would solely serve the subject development. Mr. Anthony Wong replied that the existing sewerage system would serve both the Chi Ha Yuen as well as other developments in the downhill area. However, it was illustrated in the sewerage impact assessment that the columbaria would only take up a small fraction of the sewerage capacity under various scenarios. As such, the

columbaria would not have any significant sewerage impacts. Furthermore, DSD had no comments on the application from drainage maintenance point of view. Mr. H.M. Wong remarked that the existing sewerage system in the area was to serve both the Chi Ha Yuen and the developments in the adjacent areas. DEP had concern that the existing sewer might not have sufficient capacity for the disposal of sewage. Nevertheless, the sewerage impact was a technical issue which was not difficult to be addressed.

10. In response to the Chairman's enquiry, Mr. W.K. Hui made reference to Plan Z-2a and said that there were sporadic domestic developments and religious institutions to the east of the application site.

11. The Chairman asked whether there was any evidence to prove that part of the columbaria had been in existence before the gazettal of the first Sha Tin OZP as claimed by the applicant's representative. Mr. Chan Tat Choi replied that Chi Ha Yuen was established in the 1960s and 1970s and part of the columbaria had been built for a long time. However, there was no concrete evidence to prove when the columbaria was first built.

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

#### Deliberation

13. In response to a Member's enquiry, the Secretary said that PlanD had no objection to rezone the application from "V" to "G/IC". However, in view of the concerns of DEP on water quality and sewerage impacts, PlanD considered that it was more appropriate to include the 'Columbarium' use in Column 2 instead of Column 1 as requested by the applicant. At the application stage, the applicant would need to submit detailed technical assessments and mitigation measures for the Board's consideration.

14. A Member supported the recommendation of PlanD as set out in paragraph 11.1

of the Paper that the application site should be rezoned from "V" to "G/IC" with columbarium included as a Column 2 use in view of DEP's concern on the adverse sewerage impact. Mr. H.M. Wong said that the existing sewer serving the area was relatively small in scale and might not have sufficient capacity to serve the area, in particular the monastery and the columbaria might have a large number of visitors during the festival days. Another Member shared the concern and said that it was not difficult for the applicant to resolve the technical issue.

15. A Member asked, apart from the planning application system, whether there was any other mechanism to monitor the situation or require the applicant to undertake the sewerage mitigation measures. The Chairman said that as the Chi Ha Yuen and the concerned columbaria were existing structures, the applicant might not need to submit building plan for the development. A few Members mentioned about the enforcement mechanism through lease conditions and building plan submission. Mr. H.M. Wong said that apart from the concerns on the sewerage impacts, the applicant had also proposed other mitigation measures to address the environmental impacts, such as not allowing joss paper burning at the application site. Details of the proposed mitigation measures had to be worked out by the applicant for the Board's consideration at the planning application stage. After deliberation, Members agreed that the site should be rezone from "V" to "G/IC" with 'Columbarium' use included as a Column 2 use as recommended by PlanD.

16. After further deliberation, the Committee decided to partially agree to the application by rezoning the application site from "Village Type Development" to "Government, Institution or Community" with 'Columbarium' included as a Column 2 use to ensure the implementation of appropriate mitigation measures to address the environmental and sewerage impacts.

### **Sai Kung and Islands District**

[Mr. C.F. Yum, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

**Agenda Item 4**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/207            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 678 S.A and 678 S.B ss.1 in D.D. 244, Ho Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/207)

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17.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants Limited, the consultant of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

**Presentation and Question Sessions**

18.            Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH)- Small House);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application since the site possessed high potential of agricultural rehabilitation given the availability of access roads and a large piece of abandoned land adjoining the site. The Commissioner for Transport (C for T) had reservation on the application. Although additional traffic generated by the proposed development was not expected to be significant, such type of development, outside the “Village Type Development” (“V”) zone, if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However,

as the application only involved one Small House, C for T commented that the application could be tolerated unless it was rejected on other grounds;

- (d) one public comment was received during the first three weeks of the statutory publication period. Designing Hong Kong Limited objected to the application because the zoning was for agricultural purpose and the area lacked sustainable layout; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The application complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” (Interim Criteria) in that the proposed Small House fell within the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. The proposed NTEH had no adverse drainage, landscape and environmental impacts on the surrounding areas. Concerned government departments consulted had no objection to the application. Although DAFC advised that the site had high potential for agricultural rehabilitation, there were no farming activities at the site. Also, the proposed NTEH was not incompatible with the surroundings. Similar applications for NTEHs had been approved in the vicinity of the site. Regarding the public comment concerning the “Agriculture” zone and sustainable layout, the application deserved sympathetic consideration according to the Interim Criteria.

19. Members had no question on the application.

#### Deliberation Session

20. 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 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard;
- (b) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the subject site was within an area where there was no DSD's sewerage connection available in the vicinity at present;
- (d) to note the comments of the Commissioner for Transport that there was an existing local track leading to the site which was not managed by Transport Department. The status of the vehicular access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the vehicular access should be clarified with the relevant lands and maintenance authorities accordingly; and

- (e) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) that as the application site fell within the boundary of the Ho Chung Site of Archaeological Interest, the applicant was required to provide the AMO, LCSD with sufficient time and let the staff of the AMO enter the site to conduct an archaeological survey prior to the commencement of construction works.

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/191            Proposed Utility Installation for Private Project  
(a 225mm U-channel of about 17m Long Drainage Pipe) and  
Excavation and Filling of Land for Drainage Work  
in “Green Belt” zone, Lots 20S.A (Part), 20S.B (Part), 21 (Part)  
in D.D. 213 and Adjoining Government Land, Lung Mei, Sai Kung  
(RNTPC Paper No. A/SK-PK/191)

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#### **Presentation and Question Sessions**

22.            Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed utility installation for private project (a 225mm U-channel of about 17m long drainage pipe) and excavation and filling of land for drainage work;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. Although the proposed utility installation on the excavation and filling of land for drainage work was not in line with the planning intention of the “Green Belt” zone, it was an essential ancillary facility for discharging storm-water from the Small House development at Lots 18 & 19 in D.D. 213 which fell within “Village Type Development” zone. The proposed drainage pipe was small in scale and situated in an inconspicuous location screened by existing vegetation. As such, it would not have significant visual impact on the surrounding. No substantial excavation work or felling of trees would be involved in the proposed development. Concerned departments confirmed that the proposed drainage work would not generate adverse drainage, landscape and environmental impacts on the surrounding areas. The proposed development was generally in line with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No.10) in that it would not involve any extensive clearance of existing natural vegetation or cause any disruption to the existing landscape features and the character of the area.

23. Members had no question on the application.

#### Deliberation Session

24. 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 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) reinstatement of landscape to the satisfaction of the Director of Planning or

of the Board; and

- (b) submission and implementation of the drainage works to the satisfaction of Drainage Services Department or of the Board.

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

- (a) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that the applicant was required to minimize the adverse environmental and/or ecological impact in the design and during the implementation of the work. The Director of Environmental Protection and the Director of Agriculture, Fisheries and Conservation should also be consulted on possible environmental and/or ecological impacts of the proposed work;
- (b) to note that the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standard; and
- (c) to note the comments of the Commissioner for Transport that there was an existing local access leading to the subject site which was not under Transport Department's management. The status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the access should be clarified with the relevant lands and maintenance authorities.

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-PK/192            Proposed House (New Territories Exempted House - Small House)  
                                 in “Recreation” zone,  
                                 Lots 292 S.A and 293 S.E in D.D. 221, Sha Kok Mei Village,  
                                 Sai Kung  
                                 (RNTPC Paper No. A/SK-PK/192)

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### **Presentation and Question Sessions**

26.            Mr. C.F. Yum, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c)    departmental comments – the Commissioner for Transport (C for T) had reservation on the application. Although additional traffic generated by the proposed NTEH was not expected to be significant, such type of development outside the “Village Type Development” zone if permitted would set an undesirable precedent for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Moreover, as the application only involved construction of one small house, C for T commented that it could be tolerated unless it was rejected on other grounds;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sai Kung); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper.

The application complied with the “Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories” in that the proposed Small House fell within the village ‘environs’ and there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone. The site was the subject of a previous application (No. A/SK-PK/59) which was approved by the Committee on 19.12.1997 and subsequently further extended until 19.12.2002. The application then lapsed as the proposed development had not commenced. According to the applicant, the reason for not implementing the approved Small House was due to the long processing time by the District Lands Officer/Sai Kung who had no objection to the subject planning application. Furthermore, the proposed NTEH had no adverse drainage, landscape and environmental impacts on the surrounding areas. Concerned government departments consulted had no objections to the application. Also, the proposed NTEH was not incompatible with the surroundings which comprised many village houses.

27. Members had no question on the application.

#### Deliberation Session

28. 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 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- (a) to note the comments of the District Lands Officer/Sai Kung (DLO/SK) that in connection with the proposed drainage works that:
  - (i) written consent(s) from owner(s) of any affected lot(s) should also be obtained. The consent(s) obtained would be registered against all concerned lot(s) in the Land Registry; and
  - (ii) permission should be sought from DLO/SK for works on government land before commencement of works;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (CE/Dev(2), WSD) that for the provision of water supply to the proposed development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to CE/Dev(2), WSD's satisfaction. Besides, water mains in the vicinity of the application site could not provide the standard pedestal hydrant;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that the application site was within an area where there was no DSD sewerage connection available in the vicinity at present, the applicant was required to provide sewage disposal facilities;
- (d) to note the comments of the Commissioner for Transport that there was an existing local access leading to the subject site which was not under Transport Department's management. The status of the access leading to

the site should be checked with the lands authority. The management and maintenance responsibilities of the access should be clarified with the relevant lands and maintenance authorities; and

- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal application referred by Lands Department.

[The Chairman thanked Mr. C.F. Yum, STP/SKIs, for his attendance to answer Members' questions. Mr. Yum left the meeting at this point.]

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/SLC/124

Proposed Two Houses (New Territories Exempted Houses)  
in "Green Belt" zone,

Lot 664 in D.D. 333, Chi Ma Wan Road, Shap Long Kau Tsuen,  
Lantau Island

(RNTPC Paper No. A/SLC/124)

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30. The Secretary said that the applicant sought planning permission for development of two New Territories Exempted Houses on the application site with reference to the aerial photo taken in 2004, the site was covered with mature trees and vegetation. The Director of Agriculture, Fisheries and Conservation advised that there was report of site clearance at the subject location in April 2006 and unauthorized excavation works on government land were probably involved. Aerial photo taken in 2011 and recent site inspection conducted by Planning Department (PlanD) revealed that the trees and vegetation on the site had been cleared. Site formation and slope cutting works had been carried out on the site and adjoining areas.

31. On 24.6.2011, the Town Planning Board (the Board) considered the TPB Paper No. 8843 on Proposed Measures Against the "Destroy First and Build Later" Approach and agreed that any deliberate action to change the rural and natural environment in the hope that

the Board would give sympathetic consideration to subsequent development was not to be encouraged and that a decision on a planning application could be deferred in order to investigate the case. The site and its adjoining area might involve unauthorized slope clearance and site formation works prior to the application. To allow more time for investigation to collect more information on the site formation/clearance works undertaken on the site and its adjoining area, PlanD requested the Committee to defer the consideration of the application for two months.

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

### **Sha Tin, Tai Po and North District**

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr. Anthony K.O. Luk and Mr. Edward W.M. Lo, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

### **Agenda Item 8**

Proposed Amendments to the  
Approved Ma On Shan Outline Zoning Plan No. S/MOS/16  
(RNTPC Paper No. 2/12)

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33. Professor Paul Lam had declared an interest in this item as his employer, the City University of Hong Kong, had involved in a hostel development at Whitehead. Members noted that the concerned site was not related to any proposed amendments. Besides, the current item was for the consideration of the proposed amendments to the Ma On Shan Outline Zoning Plan (OZP) and related to the plan-making process. Members agreed that the interest of Professor Lam was not direct and could be allowed to stay in the meeting.

34. Mr. Anthony Luk, STP/STN, informed the meeting of replacement pages of P. 4 -7 of the Paper, a new Appendix, Attachment II, P. 9, 10, 15 of Attachment IV to provide further information on the proposed rezoning proposal were tabled at the meeting for Members' reference. With the aid of a powerpoint presentation, he then presented the proposed amendments and covered the following aspects as detailed in the Paper :

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

### **Rezoning Proposal for Whitehead**

#### *Background*

- (a) Whitehead, with an area of about 23.56 hectares and comprising all government land, was formerly occupied by the Whitehead Detention Centre for Vietnamese boat people in 1990s. It had been zoned "Comprehensive Development Area" ("CDA") and subject to a maximum domestic gross floor area (GFA) of 51,600m<sup>2</sup> and a maximum building height of seven storeys over one-storey car park podium under the Ma On Shan Outline Zoning Plan (OZP) No. S/MOS/16;
- (b) the current land use of Whitehead was based on the recommendations of the "Feasibility Study for Housing Development at Whitehead and Lee On in Ma On Shan, Sha Tin" ("Whitehead Study") completed in 2002. The study recommended that Whitehead headland should be earmarked for conservation and recreational uses with low-density residential development; the low density residential development at Whitehead was intended to be developed to a total domestic GFA of 51,600m<sup>2</sup> at a PR of about 0.8; a minimum of 11 ha of land at the headland (with a GFA of about 6,950m<sup>2</sup>) would be reserved for recreational developments and a gradation concept be introduced with development intensity and building height decreasing from the Wu Kai Sha Station to the headland area;
- (c) the development at Wu Kai Sha Station and at Lok Wo Sha had followed the recommendations of Whitehead Study. Development at Wu Kai Sha (known as Lake Silver) was completed in July 2009 and the development at

Lok Wo Sha was under construction in phases. However, there was a lack of progress in the implementation of the Whitehead “CDA” site. In the “CDA” review in March 2010, TPB agreed that PlanD should undertake a review of the land uses of the Whitehead “CDA” site;

- (d) in parallel, a working group under the Sha Tin District Council (STDC) completed a study for Whitehead headland in December 2010. The STDC’s study concluded that Whitehead should primarily be reserved for 3 types of uses, namely education and preservation; recreation and sports; and leisure and tourism with private hotel development to support the recreational uses. In view of the aspiration of the local community for early implementation of the recreational and sports facilities and the recent need to boost the housing land supply, there was a need for a land use framework that could facilitate the implementation of the recreational facilities and housing development;

*The Rezoning Proposal*

- (e) PlanD had undertaken a land use review of the Whitehead “CDA” site and considered that the original intention to use it for recreation and residential use should be retained. To facilitate early implementation, rezoning of the site to individual uses was considered necessary. A revised layout for Whitehead had been prepared which comprised a “Recreation” (“REC”) site and two residential sites under “CDA(2)” and “CDA(3)” zones. The rezoning proposals are as follows:

*Amendment Item A1 –Rezoning of a site of about 14.95 ha from “CDA” to “REC”*

- (f) for the “Recreation” (“REC”) site, the planning intention was to reserve the land for comprehensive recreational developments for the general public. Since the proposed sports and recreational development was still at early planning stage, it was proposed to include the use of ‘Place of Recreation, Sports or Culture’ under Column 2 of the “REC” zone. In this way, the intensity and design of the future sports and recreational uses and their traffic, environmental and infrastructure impacts would be subject to scrutiny of the TPB in its planning and design stages;

*Amendment Item A2 –Rezoning of a site of about 3.77 ha. from “CDA” to “CDA(2)”*

*Amendment Item A3 –Rezoning of a site of about about 2.35 ha. from “CDA” to “CDA(3)”*

- (g) two sites were proposed to rezone to “CDA(2)” and “CDA(3)” with the development parameters as shown in the table below. For the two residential sites, CDA zoning was considered necessary in order to ensure appropriate control on the overall design and layout of the future developments. Upon approval of the proposed amendments to the OZP, planning briefs would be prepared to set out the detailed requirements to guide their development (e.g. ingress/ egress, design considerations, tree preservation, and pedestrian connections etc) for the Committee’s consideration;

<b>Proposed Zoning</b>	<b>CDA(2)</b>	<b>CDA(3)</b>
Gross site area	37,713 m <sup>2</sup>	23,498 m <sup>2</sup>
GFA/Plot Ratio (PR)	GFA 40,000 m <sup>2</sup> (about PR 2 on net site area of 20,507m <sup>2</sup> )	GFA 30,000 m <sup>2</sup> (about PR 2 on net site area of 14,394m <sup>2</sup> )
Building Height (BH)	50mPD (equivalent to 12 storeys)	50mPD (equivalent to 12 storeys)

- (h) a building height restriction of 50mPD (equivalent to about 12 storeys) for the “CDA(2) and “CDA(3)” zones and a building height restriction of 30mPD (equivalent to 5 to 6 storeys) for “REC” zone were proposed such that a stepped down building height profile would be maintained from Wu Kai Sha Station to the waterfront of Whitehead (i.e. from 183mPD to 30mPD). To take forward the recommendation of the air ventilation assessment conducted in 2009 for the entire Ma On Shan OZP, it was proposed to extend the air path (15m wide subject to height restriction of 2 storeys) from “CDA(1)” northward to “CDA(3)” and “REC” zone for better air ventilation of the areas. As such, a strip of land within the “CDA” and “REC” zone was restricted to a building height of 2 storey. A building height restriction (BHR) of 50mPD (equivalent to 12 storeys) for the “CDA(2) and “CDA(3)” zones and a BHR of 30mPD (equivalent to 5

to 6 storeys) for “REC” zone were proposed such that a step down building height profile would be maintained from Wu Kai Sha Station to the waterfront of Whitehead (i.e. from 183mPD to 30mPD). In consideration of their waterfront locations, podium structures should be avoided in the two “CDA” sites and the “REC” zone. Such intention would be clearly specified in the Explanatory Statement (ES) of the respective zones;

*Amendment Item A4–Rezoning of a site of about 0.17 ha. adjacent to the To Tau Pumping Station from “CDA” to “G/IC”*

*Amendment Item A5–Rezoning of a site of about 0.46 ha. at near Starfish Bay from “CDA” to “G/IC”*

- (i) two “G/IC” sites were proposed in the revised layout. The one located behind To Tau Pumping Station was for a new pumping station to cater for the need of future developments. An undesignated “G/IC” zone was also reserved to the southeast of the “CDA(3)” site to serve the future needs of the district. They were subject to a building height restriction of 2 storeys;

*Amendment Item A6 – Rezoning of strips of land of about 1.86 ha. from “CDA” to area shown as ‘Road’*

- (j) a strip of land surrounding the southern boundary of the “CDA” site was proposed to be rezoned to area shown as ‘Road’ to facilitate future road widening;

### **Rezoning Proposal for the Housing Site at On Chun Street**

#### Background

- (k) the On Chun Street site (0.56 ha) abutting the Ma On Shan Promenade comprised government land and was currently zoned “Government, Institution or Community” (“G/IC”) with a building height restriction of 8 storeys. After consideration of the characteristics of the site and the surrounding areas, it was considered appropriate to rezone it to residential use to meet the demand for housing land;

- (l) the site was originally reserved for the development of a bus terminus, public latrine and coach parking on the draft Sha Tin New Town Area 100 Layout Plan No. L/ST 100/3A. Both the Director of Food and Environmental Hygiene (DFEH) and the Commissioner for Transport (C for T) had confirmed that the provision of such facilities at the site were not required. There was also no immediate need for provision of other G/IC uses in this locality;

*Amendment Item B1–Rezoning of a site of about 0.48 ha. at On Chun Street from “G/IC” and “R(A)” to “R(B)3” and designation of a 10m wide strip of land as Non-Building Area*

- (m) the subject site was considered suitable for residential development as it was close to an existing residential neighbourhood and was no longer required for GIC purpose. In consideration of its proximity to the commercial facilities at the town centre, it was not necessary to provide commercial facilities at the site. It was therefore proposed to rezone the site to “Residential (Group B)3” (“R(B)3”) where the Board’s permission would be required for any commercial facilities at the site;
- (n) PlanD had conducted various blocking layout tests with different development scenarios of PRs 5 (i.e. the maximum PR achievable for density zone 2 under the HKPSG), 4.5, 3.6 and 3.3 for the site. The blocking layouts were drawn up with the adoption of a BH of 50mPD in view of the prominent waterfront location of the site and the BHs of the adjacent developments. The illustrative layouts indicated that development intensities of PRs 5, 4.5 and 3.6 would result in a congested layout with continuous building facade rendering limited building separations. For a lower PR of 3.3, the proposed development with a BH of 50mPD was still congested. In order to better utilize the site, it was proposed to relax the BH from 50mPD to 60mPD which was also adopted by another waterfront development beside the Ma On Shan Park. With the increase in height, the blocking layout test shown that a better layout with a building separation of 12.8m could be achieved under a PR 3.3;

- (o) taking account the descending height from inland to the waterfront and to be commensurate with the adjacent developments along the waterfront, a building height restriction of 60mPD was proposed for the subject site to minimize the visual impacts on the adjacent developments whilst achieving the intended development intensity. In addition, a 10m wide non-building area (NBA) was proposed along the Ma On Shan Promenade to minimize the visual impact of the future development bulk. It was intended that only low-rise boundary wall or fence would be permitted at the NBA. The proposed development parameters for the site were summarized as follows:

Site Area	: 0.48 ha.
Plot Ratio	: 3.3
GFA	: 15, 992m <sup>2</sup> (about)
No. of Flats	: 228 (an average flat size of 70 m <sup>2</sup> was assumed)
Building Height	: 60mPD

*Amendment Item B2 – Rezoning of a strip of land of about 0.05 ha. from “G/IC” and “R(A)” to an area shown as ‘Road’*

*Amendment Item B3 – Rezoning of a strip of land of about 0.04 ha. from “G/IC” to an area shown as ‘Road’*

- (p) the “G/IC” site was at present covering two footpaths beside Horizon Suite Hotel and Marbella respectively which provided pedestrian connections from On Chun Street to the Ma On Shan Promenade. The C for T considered it necessary to preserve these two existing footpaths, which were proposed to be rezoned from “G/IC” to ‘Road’ use;

*Proposed Amendments to the Notes and Explanatory Statement of the OZP*

- (q) the proposed amendments to the Notes of the OZP including incorporation of a set of Notes for “REC” zone as well as revision to the Remarks for “CDA” zone to incorporate the development restrictions for “CDA(2)” and “CDA(3)” zones and the Remarks for “R(B)” zone to incorporate the development restrictions for “R(B)3” zone. The Explanatory Statement (ES) had been revised to take into account the proposed amendments. Opportunity had also been taken to update the general information for the

various land use zones to reflect the latest status and planning circumstances of the OZP;

*Departmental Consultation and Public Consultation*

- (r) The proposed amendments had been circulated to relevant government departments for comments. Their comments had been incorporated where appropriate; and
- (s) the STDC would be consulted on the amendments as soon as the proposed zoning amendments was exhibited for public inspection.

35. In response to Chairman's enquiry, Mr. Anthony Luk replied that the "G/IC" zone to the southeast of the "CDA(3)" site at whitehead was reserved to serve the future needs of the district and there was no designated use at the moment.

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

36. The Secretary said that the Secretariat would further check the accuracy of the proposed amendments to the OZP, Notes and ES. The above documents, after incorporating the refinements (if any), would be published under section 5 of the Town Planning Ordinance.

37. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Ma On Shan OZP No. S/MOS/16 and that the draft Amendment Plan No. S/MOS/16A at Attachment II of the Paper and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Ordinance; and
- (b) adopt the revised ES at Attachment IV of the Paper for the draft Ma On Shan OZP No. S/MOS/16A as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan and the revised ES would be published together with the draft Ma On Shan OZP.

**Agenda Item 9**

**Section 12A Application**

[Open Meeting]

Y/FSS/8                      Application for Amendment to the Draft Fanling/Sheung Shui  
Outline Zoning Plan No. S/FSS/15 from  
“Green Belt” to “Government, Institution or Community (1)”,  
No. 18 Wu Tip Shan Road, Fanling (FSSTL No. 151)  
(RNTPC Paper No. Y/FSS/8)

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38.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Toco Planning Limited, one of the consultants of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

39.            The Secretary said that on 27.1.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to prepare further submission to address Transport Department’s comments.

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

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/765                      Proposed Residential Institution (Student Hostels and Staff Quarters)  
in “Government, Institution or Community” and “Green Belt” zones,  
Government Land abutting Hang Shin Link, Siu Lek Yuen, Sha Tin  
(RNTPC Paper No. A/ST/765)

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41.                      The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with ADI Limited, one of the consultants of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed residential institution (student hostels and staff quarters);
- (c) departmental comments – the Secretary for Education (S for Education) supported the student hostel development under application. Provision of student hostel would be conducive to attracting non-local students and, in turn, broaden the horizon of local students and foster Hong Kong’s international links. Given a projected population of 5,000 Hang Seng Management College (HSMC) degree students, the proposed hostel provision was reasonable. Regarding the staff quarters, he had no objection to the proposed staff quarters so long as the total entitlement (including the nearby sites and the application site) remained unchanged at 3,240m<sup>2</sup>. The entitlement should be reflected under the lease when the application site was granted;

- (d) the District Officer (Sha Tin) advised that there was a mutual agreement between HSMC and the Village Representatives of the Siu Lek Yuen Village. It would appear that the layout plan and building design of the proposed residential institution should comply with their agreement in principle. No public comment was received during the statutory publication periods; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper which were summarized below:
  - (i) the application site was located close to the existing campus of the HSMC which would be undergoing major expansion/redevelopment to provide full-time degree course. Provision of student hostels and staff quarters was considered necessary to support the operation of HSMC. The proposed residential institution was compatible with the post-secondary school use within the same “Government, Institution or Community” (“G/IC”) zone and was in line with the planning intention of the “G/IC” zone. S for Education supported the application and had no objection to the proposed level of provision of student hostels and staff quarters. With the adoption of a number of mitigation measures and design features, including building separation, vertical greening, stepped height profile, articulation of building façade to break up visual mass, the proposed development was unlikely to induce significant adverse visual impact;
  - (ii) a small portion of the application site (460m<sup>2</sup> or 6%) encroached onto the “Green Belt” zone which was currently a piece of vegetated man-made slope created when the site was formed. According to the proposed blocking layout, the student hostel would primarily affect the toe of the slope. In view of the slight encroachment, it was considered that the development of this part would not result in

additional landscape and visual impacts. Since no alternative site sufficiently closed to the HSMC campus could be identified, the application was generally in compliance with the Town Planning Board Guidelines for Application for Development within Green Belt Zone (TPB PG-No. 10); and

- (iii) situated on an elevated platform overlooking the toll plaza of Tate's Cairn Highway, the application site would be subject to traffic noise and air impacts. The applicant demonstrated in the air quality and noise impact assessment (A&NIA) that the air quality and noise impacts could be controlled to within relevant criteria with appropriate measures. Subject to the submission of a revised A&NIA and implementation of mitigation measures recommended therein, the Director of Environmental Protection had no objection to the application. Other government department had no adverse comment or objection to the application.

43. Members had no question on the application.

#### Deliberation Session

44. Noting that the site might be subject to traffic noise of the Tate's Cairn Highway, the Chairman enquired whether off-site noise barriers would be required. Mr. H.M. Wong replied that with the provision of various on-site noise mitigation measures proposed by the applicant, the traffic noise level could be alleviated to comply with the noise criterion. However, if approved, the applicant still needed to work out the details of the mitigation measures as part of the approval conditions. In response to a Member's enquiry on the patent for using acoustic windows in the proposed development, Mr. H.M. Wong replied that the mitigation measure was proposed by the applicant who should have addressed the patent issue, if any. Mr. H. M. Wong added that apart from the acoustic windows, the applicant had also proposed other mitigation measures such as vertical architectural fins in the submitted noise assessment report.

45. In response to the enquiry of a Member on the car parking facilities and whether

the proposed development would induce adverse traffic impact, Mr. K.C. Siu, replied that the 33 carparking spaces proposed by the applicant was considered appropriate. It was also noted that there would be a footbridge connecting the proposed student hostels and staff quarters with the main campus. In this regard, the proposed development would not induce unacceptable traffic impact on the area.

46. A Member noted the comments of Buildings Department (paragraph 9.1.5) that based on the proposed building heights ranging from 21m to 33m, the permitted site coverage (SC) and plot ratio (PR) for domestic buildings for a Class A site was 42% and 5 respectively. This Member asked the reason of the applicant for proposing a SC of 30% and PR of 1.89 and whether a higher development intensity would be adopted for a optimum use of the land resources. Mr. Anthony Luk advised that the site fell within a "G/IC" zone which had no SC and PR restrictions under the OZP. In working out the appropriate development intensity, the applicant had discussed with concerned government departments and taken into account the development intensity of the adjacent areas. It was noted that the existing HSMC development had a PR and a maximum building height of 2.67 and 60mPD respectively. The proposed development intensity, namely, a SC of 30%, PR of 1.89 and a building height of 67.7 to 79.7m, were considered appropriate and compatible with the surrounding areas. The Chairman remarked that there was a narrow strip of land within the application site which could not be developed. As shown in the photomontages prepared by the applicant, the proposed student hostels and staff quarters development was generally compatible with the adjoining developments. The Secretary said that the PR of 1.89 was based on the gross site area which covered various strips of slope.

47. 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 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of landscaping proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of the landscaping proposal in planning condition (a)

above to the satisfaction of the Director of Planning or of the TPB;

- (c) the submission of revised air quality and noise impact assessment report to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the implementation of the mitigation measures identified in the revised air quality and noise impact assessment report in planning condition (c) above to the satisfaction of the Director of Environmental Protection or of the TPB;
- (e) the submission of drainage and sewerage impact assessment to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the implementation of the drainage/sewerage works identified in the drainage and sewerage impact assessment in planning condition (e) above to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the provision of fire service installations and water supplies for fire fighting to the satisfaction of the Director of Fire Services or of the TPB;
- (h) the submission of natural terrain hazard study to the satisfaction of the Director of Civil Engineering and Development or of the TPB; and
- (i) the implementation of the suitable mitigation measures identified in the natural terrain hazard study in planning condition (h) above to the satisfaction of the Director of Civil Engineering and Development or of the TPB.

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

- (a) the applicant should take up the maintenance of the slope features within the application site currently maintained by Highways Department;
- (b) emergency vehicular access arrangement should comply with Part VI of the

Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department;

- (c) detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (d) if gross floor area concessions for green/amenity features and non-mandatory/non-essential plant rooms and services were involved in the proposal, the applicant's attention should be drawn to the compliance of the requirements set out in PNAP APP-151 and PNAP APP-152 where appropriate;
- (e) the applicant should bear the cost of any necessary works for diversion of water mains affected by the proposed development. Subject to availability of alternative alignment for such water main diversion, if it was not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centreline of the existing water main should be provided and no structure should be erected over this water works reserve and such area should not be used for storage purposes;
- (f) if the application site was within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;
- (g) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (h) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out

works in the vicinity of the electricity supply lines.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/771                      Shop and Services (Retail Shop)  
   in “Industrial” zone,  
   Unit K (Portion), G/F, On Wah Industrial Building,  
   41-43 Au Pui Wan Street, Fo Tan  
   (RNTPC Paper No. A/ST/771)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the shop and services (retail shop) under application;
- (c)    departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper. The shop and services (retail shop) under application was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and

the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. A range of mixed shop and services uses could be found on the ground floor of the subject industrial building. The application premises was located on the ground floor of an existing industrial building with separate access to Au Pui Wan Street. The subject industrial building was subject to a maximum permissible limit of 460m<sup>2</sup> for aggregate commercial floor area on the ground floor. Currently the approved aggregate commercial floor area on the ground floor of the subject building was 72.8m<sup>2</sup>. If the floor area of the application premises (13m<sup>2</sup>) was included, the aggregate commercial floor area would be 85.8m<sup>2</sup>, which was within the maximum permissible limit of 460m<sup>2</sup>. The retail shop under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D) including the fire safety and traffic aspects. Nevertheless, a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

50. Members had no question on the application.

#### Deliberation Session

51. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2012; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on

the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval condition and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be provided for the area under application; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps to be followed in order to comply with the approval condition on the provision of fire service installations.

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/772                      Shop and Services (Pharmacy, Retail Store)  
   in “Industrial” zone,  
   Unit C2, G/F, Block 1, Kin Ho Industrial Building,  
   Nos. 14-24 Au Pui Wan Street, Fo Tan, Sha Tin  
   (RNTPC Paper No. A/ST/772)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the shop and services (pharmacy, retail store) under application;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the

application on a temporary basis for a period of three years based on the assessments given in paragraph 11 of the Paper. The pharmacy/retail store under application was located on the ground floor of an existing industrial building with main entrance fronting Au Pui Wan Street. It was considered not incompatible with the industrial and industrial-related uses in the subject industrial building and the surrounding developments. Similar applications for shop and services use had been approved for other units on the ground floor of the subject industrial building and its vicinity. The subject industrial building was subject to a maximum permissible limit of 460 m<sup>2</sup> for aggregated commercial floor area on the ground floor. Currently the approved aggregate commercial floor area of 'Shop and Services' use on the ground floor of the subject building was 53.6 m<sup>2</sup>. If the floor area of the application premises (68.76 m<sup>2</sup>) was included, the aggregate commercial floor area would be 122.36m<sup>2</sup>, which was within the maximum permissible limit of 460m<sup>2</sup>. The pharmacy/retail store under application generally complied with the relevant considerations set out in the Town Planning Board Guidelines for Use/Development within "Industrial" Zone (TPB PG-No. 25D) including the fire safety and traffic aspects. Nevertheless, a temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

54. Members had no question on the application.

#### Deliberation Session

55. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2012; and

- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years was given in order to allow the Committee to monitor the compliance of the approval condition and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to apply to the District Lands Officer/Shia Tin, Lands Department for a temporary waiver to permit the applied use;
- (e) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by compartment walls, lobbies and floors having a fire resisting period of not less than two hours, and the means of escape of the existing premises should not be adversely affected;
- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely

separated from the industrial portion should be provided for the area under application. Regarding matters related to fire resisting construction, the applicant was advised to comply with the Code of Practice for Fire Resisting Construction which was administered by the Buildings Department; and

- (g) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps to be followed in order to comply with the approval condition on the provision of fire service installations.

[The Chairman thanked Mr. Anthony Luk, STP/STN, for his attendance to answer Members’ questions. Mr. Luk left the meeting at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/207                      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” and “Village Type Development” zones,  
Lot 1638 S.A. in D.D. 92, Tsung Pak Long, Sheung Shui  
(RNTPC Paper No. A/FSS/207)

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57.                      The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Ted Chan & Associates Limited, the consultant of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

#### **Presentation and Question Sessions**

58.                      Mr. W.K. Hui, DPO/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application. Although additional traffic generated by the proposed development was not expected to be significant, such type of development, outside the “Village Type Development” (“V”) zone, if permitted would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. However, as the application only involved one Small House, C for T commented that the application could be tolerated unless it was rejected on other grounds. The Chief Town Planner/Urban Design and Landscape, Planning Department had reservations on the application. Although the proposed Small House was not incompatible to the existing landscape character of the surroundings and disturbance to existing landscape resources and character was not anticipated, approval of the application would encourage more NTEH applications extending the village area onto the green belt zone. The landscape quality of the area would deteriorate and intactness of the green belt zone would be undermined;
- (d) one public comment from a North District Council member was received during the first three weeks of the statutory publication period. He supported the application on the ground that the proposed development would benefit the villagers. The District Officer (North) advised that the Chairman of Sheung Shui District Rural Committee and Indigenous Villager Representative of Tsung Pak Long supported the application while the incumbent North District Council member and Residents Representative of Tsung Pak Long had no comment on it; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 12 of the Paper. The application generally met the Interim Criteria for Consideration of

Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the footprint of the proposed Small House fell entirely within the village 'environs' of Tsung Pak Long and there was insufficient land within the "V" zone to meet the Small House demand. Hence, sympathetic consideration could be given to the application. The application generally complied with the Town Planning Board Guideline for Application for Development within Green Belt Zone (TPB PG- No. 10) in that the application site was in close proximity to the village proper of Tsung Pak Long and there was insufficient land to meet the Small House demand. Besides, the proposed Small House development was not incompatible with the surrounding land uses, which was situated in an area of rural landscape character dominated by village houses. A similar application which fell partly within the same "GB" zone in the vicinity of the application site had been approved by the Committee. Moreover, the proposed Small House development would not have significant adverse impacts on the traffic, environment and drainage of the surrounding area. Relevant government departments consulted had no objection to the application.

59. Members had no question on the application.

#### Deliberation Session

60. 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 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

the TPB; and

- (c) the submission and implementation of landscape proposals to the satisfaction of the Director of Planning or of the TPB.

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

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

## **Agenda Item 14**

### **Section 16 Application**

[Open Meeting]

A/FSS/208                      Proposed Wholesale Conversion of an Existing Industrial Building  
for Shops and Services and Eating Place in “Industrial” zone,  
No. 21 Po Wan Road, Sheung Shui  
(RNTPC Paper No. A/FSS/208)

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62.            The Secretary said that on 30.1.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months so that responses to Drainage Services Department’s comments could be prepared.

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. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and no further deferment would be granted unless under very special circumstances.

## **Agenda Item 15**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/440                      Proposed Four Houses  
in “Agriculture” and “Village Type Development” zones,  
Lots 1583, 1584, 1585, 1586, 1587, 1588, 1589 and 1590 in D.D. 10,  
Ng Tung Chai, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/440)

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### **Presentation and Question Sessions**

64.            Mr. Edward W.M. Lo, STP/STN, presented the application and covered the

following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed four houses;
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the proposed four houses could not meet the criteria of New Territories Exempted House (‘NTEH’). In particular, the stairhoods on the roof floors of the houses had roof areas of more than 7.44m<sup>2</sup> and height of more than 2.14m. Hence, they could not be regarded as NTEHs. The application site comprised 8 private lots in D.D.10 and all of which are old schedule lots held under Block Government Lease (BGL). They had a total registered site area of 0.11 ac. (i.e. about 4,791.8 ft<sup>2</sup> or 445.17 m<sup>2</sup>). The total site area of 386.74 m<sup>2</sup> as quoted in the planning statement did not tally with the total registered site area of the lots which was 445.17 m<sup>2</sup>. The site area was subject to further verification. Under the schedule of BGL, only Lots 1584, 1585, 1586, 1587, 1588 and 1589 were described as “House” and had ‘building’ status whereas Lot 1583 was described as “Shed” but it was noted that part of a house was proposed to be constructed thereon and whether it was permitted under the lease could not be ascertained without further legal advice. No structure should be erected upon Lot 1590 as it was described as “Waste” under the BGL. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application since the application site was located within the upper indirect water gathering ground (WGG) and was less than 30m from the nearest stream, the proposed development would have material increase in pollution effect to the WGG. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the area had active agricultural activities;
- (d) six public comments were received during the first three weeks of the statutory publication period. Four comments, including one letter from a

villager and three letters with 51, 14 and 26 signatures of residents submitted by the Indigenous Inhabitant Representative (IIR) and Resident Representative (RR) of Ng Tung Chai Village, Lam Tsuen Valley Committee and local villagers, were against the application. The villager objected to the application claiming that two domestic structures near Lot 1588 in D.D.10 belonging to his late father were removed by the workers of the then land owner in 1987 without compensating him or his father. The commenter had been using the site for planting of fruit trees since 1987. The other commenters were against the application mainly on the grounds of fung shui and traffic impact from the proposed development on the existing single lane access road, in particular during emergency situations. Some villagers were worried that the proposed development might be for a columbarium use, and the proposed development would change the current agricultural use to other undesirable uses, thereby ruining the tranquil environment of Ng Tung Chai. Other two public comments supported the application. One pointed out that a ceremony of Dun Fu had been carried out to address villagers' fung shui concern and the proposed development would be in line with the planning intention of "Village Type Development" zone; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 10 of the Paper. which were summarised below:
  - (i) the application site fell mostly within the "Village Type Development" ("V") zone and was entirely within the village 'environs' of Ng Tung Chai. Land within the "V" zone was primarily intended for development of Small Houses by indigenous villagers. The proposed development of four houses as submitted by a private company was not in line with the planning intention of the "V" zone. Whilst land within the "V" zone should be reserved for Small House development by indigenous villagers, especially as land within the "V" zone was insufficient to meet the demand for Small House, developments other than Small House would normally not be supported unless under very

exceptional circumstances, such as the application site with a building status under the lease;

- (ii) the District Lands Officer/Tai Po, LandsD pointed out that only Lots 1584, 1585, 1586, 1587, 1588 and 1589 (with a total area of 0.06 acre or 242.8 m<sup>2</sup>) had building status. Lot 1583 was described as “Shed” and Lot 1590 was described as “Waste” where no structure should be erected. Whilst the applicant had not proposed to build on Lot 1590, he had proposed to build on Lot 1583 where permission for such under the lease could not be ascertained without further legal advice. There was no concrete information in the submission to demonstrate that the site area and GFA proposed by the applicant were sustained by the building entitlement held under the lease, which constituted a relevant exceptional circumstance for consideration by the Board;
- (iii) regarding the planning application No. A/ST/767 as quoted by the applicant, the concerned application for redevelopment of two houses was approved with conditions by the Committee on 6.12.2011 mainly on the grounds that the application site comprised New Grant building lot which had a clear building status and the GFA of 252.76 m<sup>2</sup> under application did not exceed the development parameter allowed under the lease. For the current application, whether the applicant was entitled under the lease to develop the proposed four houses with a total GFA of 735.291 m<sup>2</sup> was yet to be verified. The current application therefore should not warrant the same consideration as the approved application No. A/ST/767;
- (iv) the application site fell within the WGG. The Director of Environmental Protection had no objection to the application provided that the proposed houses should be connected to the future public sewer when available. The Chief Engineer/Project Manager, Drainage Services Department advised that public sewers would be laid in the vicinity of the site. The applicant proposed to provide a septic tank as an interim measure for sewage disposal prior to connection to the public

sewer and there was no information in the submission to demonstrate how the proposed houses would be able to be connected to the planned public sewerage system in the area. In this connection, CE/Dev(2), WSD objected to the application as it would have material increase in pollution effect to the WGG; and

- (v) the surrounding area of the site was predominantly rural in character with village houses to the northeast. The Chief Town Planner/Urban Design & Landscape, Planning Department had no objection to the application from the landscape planning point of view. However, he had a concern that should there be any proposed boundary wall treatment for the application site, the applicant should be advised to provide visual illustrations to ensure that no significant visual impact would be generated by the proposed development.

65. Members had no question on the application.

#### Deliberation Session

66. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11.1 of the Paper and considered that they were appropriate. The reasons were :

- (a) the proposed development was not in line with the planning intention of the “Village Type Development” zone which was primarily intended for development of Small Houses by indigenous villagers. Development of non-Small House/non-New Territories Exempted House would normally not be supported unless under very exceptional circumstances that the application site had a building status under the lease. However, the applicant had not provided sufficient justifications in the submission to demonstrate that the proposed house development complied with the building entitlement for the application site; and
- (b) the proposed development was located within the water gathering ground.

There was no information in the submission to demonstrate that the proposed development could be connected to the planned sewerage system in the area and would not create adverse impact on the water quality in the surrounding area.

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/380          Filling and Excavation of Land for Permitted Agricultural Use  
in “Agriculture” and “Coastal Protection Area” zones,  
Lot 448 in D.D. 17 and Lots 1080, 1082, 1083, 1101, 1111  
and 1112 in D.D. 29, Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/380)

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### **Presentation and Question Sessions**

67.          Mr. Edward W.M. Lo, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed filling and excavation of land for permitted agricultural use;
- (c)    departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) had no strong view on the proposed filling and excavation of land within the “Agriculture” (“AGR”) zone if the applicant would implement suitable protective measures to prevent water pollution to the nearby Ting Kok Site of Special Scientific Interest (SSSI). However, he had reservation on the proposed filling and excavation of land within the “Coastal Protection Area” (“CPA”) zone. The environmental setting of the site might be modified. Besides, the site was in close proximity to the SSSI. Any land filling or excavation works there might generate silty

run-offs and cause water pollution to the nearby coastal area, which in turn might affect the mangroves in the adjacent Ting Kok SSSI;

- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was submitted by Ting Kok Village Office objecting to the application. The commenter pointed out that the local villagers had used the site for farming activities, which indicated that the surface of the site was not uneven and there was no water intrusion as stated by the applicant. It was the applicant who made the site uneven by putting the construction wastes on the site. The villager had lodged a complaint against the activities to the Planning Department and the applicant then submitted the subject application. Moreover, the Ting Kok mangroves were designated as SSSI in 1985. In view of the significance of the ecological values of the mangroves, it was important to protect the ecological environment and any works that would cause adverse damages to the mangroves along the coastline should not be permitted; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper which were summarised below:
  - (i) the applicant, who had been certified by DAFC as a genuine farmer, sought planning permission for excavation and filling of land by ploughing soil from the raised ground to the low-lying ground by 0.7m to facilitate site levelling for agricultural activities. The applicant had been operating an organic farm on various lots in vicinity of the site;
  - (ii) the “CPA” zone was along the coastline of Plover Cove next to the Ting Kok SSSI which comprised a large patch of dwarf mangroves. Whilst concerned government departments consulted had no adverse comments on the application, the DAFC had concern that the land filling or excavation works might generate silty run-offs and cause water pollution to the nearby coastal area, which might

affect the mangroves in the adjacent Ting Kok SSSI. Approval condition was required to be imposed requiring the applicant to submit appropriate protective measures before commencement of any land excavation or filling works. The Director of Drainage Services (DSD) pointed out that there was no existing public drain available for connection in the area. A condition should be included to request the applicant to submit and implement a drainage proposal and other flood relief mitigation measure for the site; and

- (iii) regarding the public comment on the construction wastes deposited on the site, the Planning Authority had taken enforcement action against the land filling activities and the unauthorised development had discontinued. Nevertheless, there was insufficient evidence to prove that the applicant was involved in undertaking the unauthorised works. As the proposed excavation and filling works at the subject site was for agricultural purpose and concerned department had raised no objection to the proposed works, the application might be approved subject to imposing approval conditions to address concerns of the DSD and DAFC.

68. Members had no question on the application.

#### Deliberation Session

69. In response to the Chairman's enquiry, Mr. Edward Lo replied that the development to the north of the application site was a temporary barbecue site and a car park.

70. Noting that the site was close to the Ting Kok SSSI and unauthorised filling of land was once found at the application site, a Member asked which department would be responsible to carry out enforcement action if the applicant failed to comply with the approval conditions. Mr. Edward Lo replied that the Planning Authority had undertaken enforcement action against the unauthorised land filling found at part of the site. Enforcement notice was issued to the concerned parties and the unauthorised development

had discontinued. The Chairman supplemented that if the applicant failed to comply with the approval conditions, the planning permission would be revoked and enforcement action would be undertaken by the Planning Authority. A Member said that as there was public concern on the filling of land at the site, the concerned departments should closely monitor the site condition and the applicant's compliance of the approval conditions. The Secretary reminded Members that this would be the first planning permission if granted by the Committee for filling of land for agriculture use under the subject "CPA" zone.

71. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission of protective measures proposal prior to commencement of any land filling or excavation works and the implementation of the approved protective measures to ensure no pollution or siltation occurred to the Ting Kok Site of Special Scientific Interest (SSSI) to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB; and
- (b) the submission and implementation of a drainage proposal and other flood relief mitigation measures prior to commencement of any land filling or excavation works to the satisfaction of the Director of Drainage Services or of the TPB.

72. 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 of the application site;
- (b) to note comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there was no existing public sewerage in the vicinity of the site currently. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal

aspects of the proposed development. There was no existing public drain available for connection in the area. The applicant was required to submit and implement a drainage proposal and other flood relief mitigation measures for the site to the satisfaction of DSD before commencement of any land filling activities to ensure that it would not cause adverse drainage impact on the adjacent area and to take into account the spirit of the SSSI adjacent to the site as delineated on the Ting Kok Outline Zoning Plan. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands caused by a failure of the systems; and

- (c) to note the comments of the Director of Agriculture, Fisheries and Conservation that :
  - (i) all earthworks should be kept to absolute necessity and avoid rainy season;
  - (ii) all stockpile materials should be sited away from Ting Kok SSSI as far as possible and covered with tarpaulin when not in use;
  - (iii) all bare ground should be properly reinstated upon completion of works;
  - (iv) suitable protective measures should be implemented to prevent silty runoff and water pollution in Ting Kok SSSI; and
  - (v) there should be no disturbance to mangroves and other vegetation in Ting Kok SSSI.

**Agenda Item 17**

**Section 16 Application**

[Open Meeting]

A/TP/516                      Proposed Two Houses (Redevelopment)  
in “Green Belt” zone,  
Lot 2087 in D.D. 6, Pun Chun Yuen Road, Tai Po  
(RNTPC Paper No. A/TP/516)

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73.            The Secretary said that on 1.2.2012, the applicant’s representative submitted further information, including responses to departmental comments and clarification on the issues on occupation of government land and the use of the adjoining Lot No. 1061 R.P. in D.D. 6. As the submitted further information involved technical issues on lease entitlement, right-of-way and fire safety requirements and was only received on 3.2.2012, i.e. one week before the meeting, there was insufficient time for the relevant departments to provide their further comments. Since the departmental comments would be relevant to the consideration of the application, Planning Department requested the Committee to defer the consideration of the subject application to the next meeting pending departmental comments.

74.            After deliberation, the Committee decided to defer a decision on the application. The Committee agreed that the application should be submitted for its consideration at the next meeting.

[The Chairman thanked Mr. W.K. Hui, DPO/STN and Mr. Edward W.M. Lo, STP/STN, for their attendance to answer Members’ questions. Mr. Hui and Mr. Lo left the meeting at this point.]

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

**Tuen Mun and Yuen Long District**

**Agenda Item 18**

**Section 12A Application**

[Open Meeting]

Y/TM/6

Application for Amendment to the Approved Tuen Mun Outline Zoning Plan No. S/TM/28 from “Other Specified Uses” annotated “Supermarket, Restaurant and other Commercial & Recreational Facilities” to “Residential (Group B) 14”, and to amend the Notes of the “Residential (Group B)” Zone  
5 Lok Yi Street, So Kwun Wat, Tuen Mun (Lot 992 in D.D. 381)  
(RNTPC Paper No. Y/TM/6)

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75. The Secretary said that on 3.2.2012, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time to prepare further information in response to comments of the Transport Department and the Architectural Services Department.

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

### **Agenda Item 19**

#### **Section 12A Application**

[Open Meeting]

Y/YL/5

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/21 from “Government, Institution or Community (1)” to “Residential (Group C)”, Lots 1818 RP, 1846 RP, 1850 (Part), 1851, 1852 RP, 1853 RP, 1855 RP, 1857 RP and 1858 RP (Part) in D.D. 120 and Adjoining Government Land, Ma Tin Pok, Yuen Long  
(RNTPC Paper No. Y/YL/5)

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77. The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Vision Planning Consultants Limited, one of the consultants of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

78. The Secretary said that on 20.1.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow more time for the applicant to refine the master layout plan and to carry out further technical impact assessments to meet relevant government departments' specific comments, in particular those raised by the Director of Environmental Protection as well as the study on the design of the boundary walls to address the Chief Town Planner/Urban Design & Landscape's concerns. It was noted that the applicant had requested the Committee to defer the consideration of the application for three times. Since the last deferral agreed by the Committee on 2.9.2011, the applicant had made continuous efforts to revise the development scheme in response to departments' comments. The applicant submitted a revised master layout plan to meet Transport Department's car parking requirements and enclosed a revised environmental noise impact assessment to address Director of Environmental Protection's comments. As such, the Planning Department has no objection to the current request 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 three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since this was the fourth deferment and a total of eight months had been allowed, this was the last deferment of the application.

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/TM-SKW/73            Temporary Self-service Barbecue Area for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 246 S.B (Part), 248 (Part), 250 (Part), 251, 258 (Part), 259,  
260, 261 (Part), 262 S.B (Part), 263 S.B (Part) in D.D. 385,  
Tai Lam Chung Village, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/73)

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80.            The Secretary said that on 15.1.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to seek comments from the Lands Department on the application.

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

**Agenda Item 21**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/410            Renewal of Planning Approval for Temporary Public Vehicle Park  
(Excluding Container Vehicle) under Application No. A/YL-ST/362  
for a Period of 3 Years in “Green Belt” zone,  
Lots 372 S.D RP (Part), 378, 379, 380, 382 (Part), 383 (Part),  
385, 389 RP (Part) and 390 in D.D. 99, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/410)

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82.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with Lanbase Surveyors Limited, the consultant of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

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

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) renewal of planning approval for temporary public vehicle park (excluding container vehicle) under Application No. A/YL-ST/362 for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper which were summarised below:
- (i) the current application was for renewal of the permission under Application No. A/YL-ST/362 for three years. The renewal was in line with Town Planning Board Guidelines for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that (a) since the last approval, there had been no major change in planning circumstances; (b) as government departments concerned had no adverse comment on the application, adverse planning implications arising from the renewal of the planning approval were not expected; (c) all the approval conditions under the previous approval had been complied with; and (d) the 3-year approval period sought was the same as the previous application;
  - (ii) the temporary public vehicle park (excluding container vehicle) could satisfy some of the parking demand arising from the local villagers and travellers to the Mainland as the site was located near Lok Ma Chau Control Point;
  - (iii) the temporary public vehicle park (excluding container vehicle) which did not involve heavy vehicles was considered not incompatible with the nearby environment;
  - (iv) although the site fell partly within the Wetland Buffer Area of the Town Planning Board Guidelines for Application for Developments within Deep Bay Area (TPB PG-No. 12B), the guidelines also specified that planning applications for temporary uses were exempted from the requirement of ecological impact assessment. The Director of

Agriculture, Fisheries and Conservation had no adverse comment on the application. The nearest pond was about 26m to the north of the site and was separated from the site by a section of Chau Tau South Road. It was unlikely that the development at the site would have significant adverse off-site disturbance impacts on the fish ponds;

- (v) the site fell within Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) which mentioned that suitable sites in San Tin area might be considered for cross-boundary parking facilities based on individual merits. The site was located in the vicinity of the cross-boundary bus terminus in San Tin and the Lok Ma Chau Control Point. Apart from meeting some parking demand of cross-boundary travellers, the applied use could satisfy some of the parking demand of local villagers/residents. Government departments concerned had no adverse comment on the application; and
- (vi) since 2000, the Committee had approved a total of four applications for temporary public vehicle park within the same “Green Belt” zone. Approval of the application was not inconsistent with the previous decisions of the Committee.

84. Members had no question on the application.

#### Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 14.3.2012 to 13.3.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicle without valid licence issued under the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;

- (b) no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailer/tractor as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (e) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the landscape planting on the site should be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (h) the submission of as-built drainage plans and sections and photographic records of the existing drainage facilities within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2012;
- (i) the submission of the existing planting plan 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 13.9.2012;

- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2012;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

86. 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 application site;
- (b) the permission was given to the development/uses under application. It did not condone any other development/uses and structures which currently occurred on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such development/uses and removed the structures not covered by the permission;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land under application comprised Old Scheduled agricultural lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. No approval was given for the specified structures as shroff and container-converted site office. The application site was accessible to Castle Peak Road – Chau Tau through Short Term Tenancy No. 2212 approved as a non-exclusive vehicular access for the operation of the site, taking into account the East Rail Vesting Boundary – Lok Ma Chau Spur Line. An application for Short Term Waiver (STW) to regularize the irregularities on site had been received by his Office. His Office would continue processing of the STW application. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (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 potential environmental impacts on the surrounding areas;
- (e) to note the comments of the Commissioner for Transport that the application site was connected to an unknown local access road which was not managed by Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not/should not be responsible

for the maintenance of any existing vehicular access connecting the application site and Castle Peak Road – Chau Tau;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department at Appendix V of Paper;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department at Appendix VI of the Paper; and
- (i) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. In formulating FSIs proposal for the proposed structures, the applicant should also be advised that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; (ii) the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration.

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

**Agenda Item 22**

**Section 16 Application**

[Open Meeting]

A/YL-PS/365

Proposed Temporary Open Storage of New Vehicles  
(Private Cars and Medium Goods Vehicles) (under 12 tonnes)  
for a Period of 3 Years in “Village Type Development” zone,  
Lot 289 in D.D. 126, Fung Ka Wai, Ping Sha, Yuen Long  
(RNTPC Paper No. A/YL-PS/365)

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87. The Secretary said that on 27.1.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of the Transport Department.

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

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

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/366            Proposed Temporary Public Vehicle Park for Private Car and Light Goods Vehicles for a Period of 3 Years in “Other Specified Uses” annotated “Heritage and Cultural Tourism Related Uses” and “Village Type Development” zones, Lots 384 (Part), 387 S.BRP, 387 S.B ss.1 RP, 387 S.B ss.4, 387 S.C ss.1 RP (Part), 387 S.C ss.2 RP (Part), 387 S.C ss.3 RP (Part), 388 (Part) and 390 (Part) in D.D. 122, and Adjoining Government Land, Sheung Cheung Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/366)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car and light goods vehicles for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 11 of the Paper. The site was zoned

“Village Type Development (“V”) and “Other Specified Use” (“OU”) annotated “Heritage and Cultural Tourism Related Uses”. There was no development proposal concerning the site to implement the planned uses within the “V” and “OU” zones. Approval of the application on a temporary basis would not frustrate the long-term planning intention of the subject “V” and “OU” zones. The proposed vehicle park was for private cars and light goods vehicles (not exceeding 5.5 tonnes) only and was not incompatible with the surrounding land uses. The proposed vehicle park could serve the parking needs of the local residents and the tourists. Besides, it was unlikely that the development would create significant adverse traffic, drainage and landscape impacts on the surrounding areas. Concerned departments consulted had no adverse comments on the application. A number of planning applications for similar use in the same “V” or “OU” zone were approved by the Committee since 1999. Approval of the application was therefore consistent with the Committee’s previous decisions.

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 10.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions:

- (a) no night time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be parked on the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that

no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes), including container tractor/trailer, as defined in the Road Traffic Ordinance, was allowed to be parked on the site at any time during the planning approval period;

- (d) the drainage facilities implemented on the site under Application No. A/YL-PS/293 should be maintained at all times during the approval period;
- (e) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2012;
- (f) the provision of peripheral fencing within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 10.8.2012;
- (g) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.8.2012;
- (h) in relation to (g) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.11.2012;
- (i) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2012;
- (j) in relation to (i) above, the implementation of the fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.11.2012;

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

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 application site;
- (b) to resolve any land issues relating to the development with other owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site was accessible through Tsui Sing Road and a strip of road extended from Tsui Sing Road and his office provided no maintenance works for this access nor guarantee right-of-way. The lot owners and occupiers of the government land concerned needed to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications would be considered by his department acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by the department;
- (d) to adopt the environmental mitigation measures as set out in the “Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any possible environmental nuisances;

- (e) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that HyD was not responsible for the maintenance of Tsui Sing Road and the applicant should be responsible for his own access arrangement;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land (or on land with a tenancy granted by the Government) without approval of the BD, they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Enforcement action might be taken by the Buildings Authority (BA) to effect removal of any unauthorized building works (UBW) in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO. Before any new building works were to be carried out on the site, prior approval and consent of BA should be obtained. An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. The site should be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the BPR 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan

submission stage;

- (h) to note the comments of the Director of Fire Services that for storage, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structure, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans; layout plans incorporated with the proposed fire service installations (FSIs) should be drawn to scale and depicted with dimensions and nature of occupancy, and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs as prescribed by his department, the applicant was required to provide justifications for his consideration;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that existing water mains would be affected and the applicant should bear the cost of any necessary diversion works affected by the proposed development; and
- (j) to note the comments of the Director of Leisure and Cultural Services that the applicant should be reminded of the possible traffic flow and the pedestrian's safety for those visitors visiting Tsui Sing Lau Pagoda which was a Declared Monument.

[The Chairman thanked Mr. Vincent Lai, STP/TMYL, for his attendance to answer Members' questions. Mr. Lai left the meeting at this point.]

**Agenda Item 24**

**Section 16 Application**

[Open Meeting]

A/YL/183                      Proposed Shop and Services (Retail of Fresh Food)  
in “Open Space” zone,  
G/F, Lots 4582 S.A (Part) and 4583 RP (Part) in D.D. 116,  
Tai Kei Leng Road, Yuen Long  
(RNTPC Paper No. A/YL/183)

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93.            The Secretary said that on 17.1.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time to collect data to address the public comments and departmental comments.

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

**Agenda Items 25 and 26**

**Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/723                      Land Filling (by about 2.2m) for Permitted Agricultural Use  
in “Green Belt” zone,  
Lot 1372 in D.D. 125 and Adjoining Government Land,  
Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/723)

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A/YL-HT/724            Land Filling (by about 1.9m) for Permitted Agricultural Use  
in “Green Belt” zone,  
Lots 1367, 1368, 1369 and 1370 in D.D. 125 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/724)

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95.            The Chairman said that the two applications could be considered together as they were similar in nature and the sites were located next to each other within the same “Green Belt” zone. Members agreed.

#### Presentation and Question Sessions

96.            Mr. Ernest C.M. Fung, STP/TMYL, presented the applications and covered the following aspects as detailed in the Papers :

- (a) background to the applications – the application sites under both applications were subject to enforcement actions which were summarised below:

#### Application No. A/YL-HT/723

- (i) an Enforcement Notice (EN) and an Reinstatement Notice (RN) were issued to the registered lot owners on 17.11.2010 and 4.8.2011 respectively. The RN required the notice recipients to remove the converted containers, debris and leftovers on the land, and the fill materials, and to grass the land. The notice recipients had applied to the Secretary for Development (SDEV) requesting a review of the Planning Authority’s decision to serve RN on them. The case was under review by SDEV; and

#### Application No. A/YL-HT/724

- (ii) two enforcement cases of unauthorized filling/excavation of land were involved. For the first case, an EN and an RN were issued to the registered lot owners on 17.11.2010 and 4.8.2011 respectively. The RN required the notice recipients to remove the converted

containers, debris and leftovers on the land, and the fill materials, and to grass the land. The notice recipients had applied to the SDEV requesting a review of the Planning Authority's decision to serve RN on them. The case was under review by SDEV. For the second case, an EN and an RN were issued to the registered lot owners on 25.1.2011 and 1.4.2011 respectively. The RN required the notice recipients to remove the fill materials and to grass the land. As the requirements of the RN had not been complied with upon expiry of the RN, the notice recipients were subject to prosecution action. Prosecution action was in progress;

- (b) land filling by about 2.2m and 1.9m for permitted agricultural use for Application Nos. A/YL-HT723 and A/YL-HT/724 respectively;
- (c) departmental comments – the departmental comments were detailed in paragraph 10 of the Papers and highlighted below:
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that according to the historical aerial photos, the application sites under both applications were once pond area and the ponds gradually became dried and abandoned since 2006. From the fisheries perspective, regardless of the status of the pond (active or inactive), any filling of pond was not supported and pond should be preserved for fish culture only. His recent site inspection revealed that the sites had already been filled. From the agricultural perspective, small boulders and construction wastes should never be used for filling of farmland. The filled materials were not suitable for tree planting/crop cultivation purposes. The filling of mixtures of soil, small boulders and construction wastes on the site had caused damage to the soil system and would have an adverse effect on any crops to be grown there. If open field cultivation was to be recovered at the site, the filled materials such as small boulders and construction wastes in the soil should be removed. He also advised that the topsoil depth was only around 1.2m, and such depth was

justified for planting trees. Although the proposed filling of boulders under topsoil was not a common practice in tree planting in the field, whether such arrangement was justified would depend on actual site situation such as soil property, drainage and topography; and

- (ii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications. As compared to the aerial photos taken in 2009, the mature trees groups and vegetation cover within the two application sites had been replaced with filled materials to a level higher than the surrounding land. The filling had also encroached upon and affected the vegetation on the adjoining land within the subject “Green Belt” (“GB”) zone. The landscape character and resources of the site had substantially deteriorated. Based on the applicants’ landscape proposals, only one row of screen tree planting was proposed along the periphery of the sites. The proposed landscape treatment was insufficient to mitigate the adverse landscape impacts resulted from the large scale removal of existing vegetation and land filling works. In addition, there was insufficient buffer planting zone to minimize the disturbance to existing mature trees on the green belt and the river adjoining the site. Besides, there was no soil test report to demonstrate that the soil conditions had been improved for the proposed agriculture use;
  
- (d) four public comments from Hong Kong Bird Watching Society (HKBWS), Kadoorie Farm & Botanic Garden Corporation (KFBG), World Wildlife Fund Hong Kong (WWF HK) and Designing Hong Kong Limited were received during the first three weeks of the statutory publication period for both applications. One more comment from a local resident was received against the Planning Application No. A/YL-HT/724. The comments were summarised below:
  - (i) HKBWS objected to both applications as the proposed plant nursery did not provide much ecological value due to high disturbance of human

activities and lack of native vegetation. The land filling and formation activities removed the existing vegetation and destroyed the ecological value of the site, and led to a negative impact/irreversible damage on the natural environment on the site and its surroundings. The land filling of 2.2m under application No. A/YL-HT/723 and 1.9m under application No. A/YL-HT/724 was not in line with the Master Schedule of Notes for Agriculture. There had been an unauthorized land formation and removal of vegetation on-site, and the current applications were typical examples of the “destroy first, development later” approach which should not be encouraged. Approval of the applications would set a very bad precedent;

- (ii) KFBG objected to both applications as there were unauthorized site formation and land filling of more than 2m with construction and demolition (C&D) wastes on-site. There was a presumption against development in the “GB” zone and KFBG was concerned about the degradation of the subject “GB” zone. C&D materials were not cultivatable soil. Approval of the applications would set a bad precedent for similar “destruction first” cases;
- (iii) WWF HK objected to both applications as extensive site formation works including land filling of about 2m to 3m and excavation were observed on 4.1.2011. The commenter considered the “destroy first, develop later” approach was unacceptable. The land filling was not in line with the planning intention of the “GB” zone. Approval of the applications would set an undesirable precedent and encouraged unauthorized development on the subject “GB”;
- (iv) Designing Hong Kong Limited objected to both applications as land filling was an urban sprawl which was incompatible with the planning intention of the “GB” zone. Unauthorized land filling and vegetation removal were observed on-site on 4.1.2011. An illegal road had also been constructed with C&D materials at the entrance of the sites. The commenter requested the removal of illegally dumped materials and the

reinstatement of the government land. The commenter also requested stricter monitoring and enforcement action to terminate the unauthorized development and considered that approval of the applications would promote the “destroy first, develop later” attitude among landowners; and

- (v) a local resident objected to the Application No. A/YL-HT/724 on the ground that the access road of the site had seriously affected the fung shui of his ancestors’ urns and graves. The commenter requested to reinstate the road to its original state or prohibit vehicular traffic thereon.
  
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Papers which were summarised below:
  - (i) the majority of the sites used to be ponds back in 1991. The ponds had gradually dried up over the years, but were still covered by grass and some trees in May 2010. It was noted that land filling works was commenced at the sites in around October/November 2010. According to PlanD’s site inspections on 1.4.2011 and 20.1.2012, the sites had already been filled up to exceeding 4m high, and neither the original pond feature nor natural vegetation could be found. The applicant also claimed that he did not fill in C&D materials in the sites and no further land filling would be carried out. The sites and its adjoining areas were currently subject to on-going enforcement action against unauthorized filling of land. Based on the approach to deter “destroy first, develop later” announced by the Board on 4.7.2011, the Board was determined to conserve the rural and natural environment and would not tolerate any deliberate action to destroy the rural and natural environment in the hope that the Board would give sympathetic consideration to subsequent development on the sites concerned. The Planning Authority had been undertaking enforcement actions against unauthorized land filling at the sites;

- (ii) the landscape character and resources of the sites had been substantially deteriorated by the land filling, and the submitted landscape proposals were unable to mitigate the adverse landscape impacts resulted from the large scale removal of natural vegetation and land filling works. The CTP/UD&L of PlanD had reservation on both applications. As the land filling had changed the existing drainage characteristics of the area, and the size of the site and its associated catchment was large, Chief Engineer/Mainland North of Drainage Services Department required a drainage impact assessment for the land filling. As such, the applications were not in line with Town Planning Board Guidelines for Application for Development within the Green Belt Zone (TPB PG-No. 10);
  
- (iii) the applications were applying for filling of land with 2.2 m and 1.9 m under application No. A/YL-HT/723 and 724 respectively for agricultural use. It was noted that the depth of land filling largely exceeded the 2.2m or 1.9m under the applications. The DAFC advised that the depth of the topsoil layer was around 1.2 m and such depth was justified for planting trees. Nevertheless, the proposed filling of boulders under topsoil did not seem to be a common practice in tree planting in the field, and whether such arrangement was justified would depend on actual site situation. In this regard, the applicants had not submitted any information to demonstrate a filling height of 2.2m and 1.9m under the application Nos. A/YL-HT/723 and 724 respectively was required;
  
- (iv) the CTP/UD&L of PlanD had doubt on the feasibility of the proposed plant nursery as there was no soil test report to demonstrate that the soil conditions had been improved for the agricultural use. Despite the applicant's denial, C&D materials were observed in the filled materials on the site, and DAFC did not support the application from both the fisheries and agricultural point of view as ponds should be preserved for fish culture only regardless of their status, and the filled materials

on-site were not suitable for tree planting/crop cultivation purposes. The filling of mixtures of soil, small boulders and construction wastes on the site had caused damage to the soil system and would have an adverse effect on any crops to be grown there; and

- (v) the application No. A/YL-HT/756, which covered part of the application site of application No. A/YL-HT/724, for land filling by about 1.2m for permitted agricultural use was recently rejected by the Committee on 4.11.2011. There was no change in planning circumstances since then to merit a departure from the Committee's previous decision. In this regard, the DAFC was concerned about setting an undesirable precedent effect for other similar land/pond filling activities in the area. Approving the application could also be misread by the public as acquittal of the 'destroy first' actions and the cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

97. Members had no question on the applications.

#### Deliberation Session

98. Noting that Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) had no in-principle objection to the application, the Chairman enquired the reason of including the adverse drainage impact as one of the reject reasons set out in paragraph 13.1 (a) of the Papers. Mr. Ernest Fung replied that, CE/MN, DSD commented that the land filling had changed the existing drainage characteristics of the area. In view of the size of the site and its associated catchment was large, a drainage impact assessment (DIA) was required. The Secretary said that as stated in relevant RNTPC Papers, the applicants had not submitted a DIA and had failed to demonstrate that the land filling would not have adverse drainage impacts on the surrounding areas.

99. After further deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 13.1 of the Papers and considered that they were appropriate. The reasons were summarised below :

For Application No. A/YL-HT/723

- (a) the applicant failed to demonstrate that the land filling would not have adverse drainage and landscape impacts on the surrounding areas;
- (b) the filling materials on-site comprising of construction and demolition materials were not suitable for agricultural use. There was no information in the submission to demonstrate that a filling height of 2.2 m was required for the proposed agricultural use; and
- (c) approving the application would set an undesirable precedent for similar applications within the “Green Belt” (“GB”) zone, and the cumulative effect of which would result in a general degradation of the environment in the “GB” zone.

For Application No. A/YL-HT/724

- (a) the applicant failed to demonstrate that the land filling would not have adverse drainage and landscape impacts on the surrounding areas;
- (b) the filling materials on-site comprising of construction and demolition materials were not suitable for agricultural use. There was no information in the submission to demonstrate that a filling height of 1.9 m was required for the proposed agricultural use; and
- (c) approving the application would set an undesirable precedent for similar applications within the “Green Belt” (“GB”) zone, and the cumulative effect of which would result in a general degradation of the environment in the “GB” zone.

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

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/373      Temporary Open Private Car Park for Medium Goods Vehicles  
and Storage of Construction Materials for a Period of 3 Years  
in “Agriculture” zone, Lots 381RP (Part), 382RP (Part) and  
412RP (Part) in D.D. 110, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTN/373)

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**Presentation and Question Sessions**

100.      Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open private car park for medium goods vehicles and storage of construction materials for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structure, located to the southwest (about 30m away) and in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint received in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) advised that although the site and its adjacent areas had been hard-paved and used for open storage purpose, it could easily be converted for agricultural uses including greenhouse farming and/or nursery. In view of its high potential for agriculture rehabilitation, she did not support the application. Other concerned departments had no adverse comment on objection to the application;
- (d) no public comment was received during the first three weeks of the

statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments given in paragraph 12 of the Paper which were summarised below:
  - (i) the development was considered not incompatible with the surrounding land uses which were characterized by open storage, storage yards, workshops, and work sites. Although DAFC did not support the application as she considered that the site was of high potential for rehabilitation of agricultural activities, it was noted that the temporary nature of the development would not jeopardize future rehabilitation of the site for agricultural purposes. Previous approvals (Applications No. A/YL-KTN/339 and 354) for parking and open storage uses had also been granted and there was no major change in planning circumstances that warranted a departure from the Committee's previous decisions. Besides, there was a large piece of land zoned "Open Storage" and "Industrial (Group D)" abutting the eastern part of the "Agriculture" zone which was occupied by open storage/port back-up uses;
  - (ii) the current application fell within Category 2 areas under Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) and was considered in line with TPB PG-No. 13E in that the relevant departments except DEP and DAFC had no adverse comment on the application. While DEP did not support the application as there were residential structures located to the southwest in the vicinity of the site, no local objection was received during the statutory publication period and no environmental complaint had been received by DEP in the past three years. To minimize the possible nuisance generated by the temporary use, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting dismantling, maintenance, repairing, cleansing, paint

spraying or other workshop activities were recommended; and

- (iii) although the previous two Applications No. A/YL-KTN/339 and 354 were revoked due to non-compliance with approval conditions, Application No. A/YL-KTN/339 was applied for uses different from the current application. As for the last Application No. A/YL-KTN/354 submitted by a different applicant for temporary private vehicle park (light goods vehicle), the applicant under the last application had made efforts in compliance with the approval conditions, and he had complied with the conditions related to provision of boundary fencing and submission of landscaping proposal. The applicant under the current application had also submitted and implemented the landscape, drainage and fire service installations proposals though they were not yet accepted by the relevant departments. In this connection, sympathetic consideration could be given to the current application for one more time. However, a shorter approval period of one year was proposed to monitor the situation on the site should the Committee decide to approve the application.

101. Members had no question on the application.

#### Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 10.2.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m. from Mondays to Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no vehicle without valid licence issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations was allowed to be parked/stored on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) a notice should be posted at a prominent location of the site to indicate that no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (g) the existing boundary fencing along the application site should be maintained at all times during the planning approval period;
- (h) the implementation of accepted landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.5.2012;
- (i) the submission and implementation 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 10.8.2012;
- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2012;

- (k) the submission and implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2012;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) shorter approval period was granted so as to monitor the situation on the site and shorter compliance periods were given correspondingly. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration would not be given by the Committee to any further application;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to resolve any land issues relating to the development with the concerned owners of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private land comprised Old Scheduled Agricultural Lots held under Block Government Lease which contained the

restriction that no structure was allowed to be erected without prior approval of the government. No approval had been given for the specified structure as mentioned therein. Part of the site fell within the MTR protection boundary. The development should not affect the operation of the MTR. The site was accessible from Kam Tai Road via private land, government land (GL) and GLA-TYL1296 (Site B) allocated to the Highways Department. LandsD did not provide maintenance works on this GL nor guarantee right of way. Besides, the lot owner would still need to apply to LandsD to permit any structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection (DEP) to minimise any potential environmental nuisances;
- (f) to note the comments of the DEP that the applicant should comply with the Water Pollution Control Ordinance by applying for a discharge licence from his Regional Office (North) should there be any effluent discharge from the site;
- (g) to note the comments of the Commissioner for Transport that the site was connected to public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibility of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Chief Highway Engineer/New Territories West,

Highways Department (HyD) that his department was/should not be responsible for the maintenance of the section of Kam Tai Road on the northern side of Kam Tin River nor the existing vehicular access connecting the site and Kam Tai Road;

- (i) to note the comments of the Chief Engineer/Railway Development 2-3, Railway Development Office, Highways Department that the proposed main and side gates facing a temporary access road which was provided by Mass Transit Railway Corporation Limited's contractor under the Express Rail Link project. The applicant should fully aware of and accept the existing condition of the access road. Given the possible increase uses of the access road in light of the application, the applicant should keep aware of the access road condition and take necessary measures such that the access road condition would not deteriorate arising from the development;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the submitted drainage proposal appeared to be preliminary. Many essential details such as gradients and sizes of the proposed u-channel, connection details of the proposed channel and existing drainage facilities etc., were missing;
- (k) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. 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 site and requirements in Appendix V of the Paper should be observed. Should the applicant wish to apply for exemption from the provision of certain FSIs, he was required to provide justifications to his department for consideration. Moreover, to address the approval condition on provision of fire extinguisher(s), the applicant should submit a

valid fire certificate (FS 251) to his department for approval;

- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
  
- (m) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s satisfaction; and
  
- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

**Agenda Item 28**

Section 16 Application

[Open Meeting]

A/YL-KTS/550      Proposed Houses in “Residential (Group D)” zone,  
Lots 634 and 649 in D.D. 106 and Adjoining Government Land,  
Kam Sheung Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/550)

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104.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with BMT Asia Pacific Limited, one of the consultants of the application. As Ms. Kwong did not have direct involvement in the subject application, Members agreed that Ms. Kwong could stay in the meeting.

105.            The Secretary said that on 12.1.2012, the applicant’s representative requested for a deferment of the consideration of the application for one month in order to allow time to prepare additional plans and adjust site layout to address the relevant departmental comments.

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

**Agenda Item 29**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/555      Proposed Excavation of Land for Installation of  
Underground Power Transmission Cables in “Open Space” zone,  
Footpath/Carriageway at Kam Tai Road and Kam Po Road,  
and Verge beside Kam Ho Road, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/555)

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**Presentation and Question Sessions**

107.      Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed excavation of land for installation of underground power transmission cables;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments given in paragraph 11 of the Paper. The proposed excavation of land was required for laying public utility pipelines, i.e. underground power transmission cables, for provision of electricity supply to facilitate the development of the Express Railway Link railway project and to improve the reliability of local electricity supply in Kam Tin and Shek Kong areas. The cable route had been selected based

on the engineering feasibility and availability of land with the least environmental impacts, and avoid encroachment on the “Conservation Area” zone, private land, area of existing trees and planting areas. According to the applicant, cable trench with a total length of about 250m, a depth of about 1.9m and a width of about 1.28m and a temporary work pit with a size of 4m x 5m and a depth of about 7.2m would be excavated at the site comprising a strip of carriageway/footpath/verge area. The cable trench and the work pit would be backfilled and reinstated to the original condition after the underground cables were laid. Given the relatively small size of the site area and that the site would be reinstated, it would be unlikely that the proposed excavation of land would jeopardize the long term planning intention of the “Open Space” zone or would cause adverse landscape or visual impact on the surrounding areas. Furthermore, relevant departments consulted had no adverse comment on the application.

108. Members had no question on the application.

#### Deliberation Session

109. 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 10.2.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- upon completion of the proposed development, the reinstatement of the application site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that since the site was in the vicinity of the sites held under “TARDS/WR036” and in the proximity of the West Rail Protection

Boundaries, the applicant should consult Mass Transit Railway Corporation Limited (MTRCL) and the concerned parties before commencement of works. Besides, the applicant would be required to apply for the excavation permit from the relevant departments before commencement of works. The applicant should ensure that the proposed excavation works was covered by the Block Licence, as appropriate, issued by the LandsD. The applicant should also comply with the terms and conditions of the Licence Agreements in carrying out the proposed excavation works;

- (b) to note the comments of the Chief Engineer/Railway Development 2-2, Railway Development Office, Highways Department (HyD) that the MTRCL's requirements and safety practice with respect to the operation and maintenance of West Rail Line should be followed during construction;
- (c) to note the comments of the Commissioner for Transport that for works to be carried out along public footpath / carriageway, the construction stage temporary traffic arrangement should be submitted to the Transport Department for approval;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that since the site was located adjacent to the compensatory wetlands under the West Rail project, the applicant should erect temporary hoardings made of non-transparent materials along the trench alignment during construction to minimize disturbance to the adjacent wetlands, and to inform her department the estimated date of commencement and the period required for the proposed excavation works. Besides, the applicant should properly adopt all the mitigation measures and good site practices proposed in the application during construction, and resolve any outstanding issues with MTRCL before commencement of works;
- (e) to note the comments of the Director of Leisure and Cultural Services that the cable should not restrict or adversely affect the future development of the "Open Space" site concerned. Besides, every effort should be exercised to preserve the existing trees on the site and minimize the adverse

effect to them during works period. Should any trees be inevitably affected, the applicant was required to submit a tree felling/transplanting proposal in advance to the relevant authority for comments in accordance with the Technical Circular ETWB TC(W) No. 3/2006 “Tree Preservation”. Besides, should any old and valuable trees fall within the site, specific attention should be paid to the preservation of these trees in accordance with the Technical Circular ETWB TC(W) No. 29/2004 “Registration of Old and Valuable Trees, and Guidelines for their Preservation”. The Technical Circulars were posted on the Development Bureau’s website;

- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department (CEDD) that the proposed trench/pit openings were located adjacent to a man-made slope next to Kam Po Road. The proposed openings would appear to pose a threat to the slopes if extreme care and control was not exercised in the planning, design and construction or supervision of the works. The applicant should make reference to the “Guide to Trench Excavations (Shoring Support and Drainage Measures)” jointly published by HyD and CEDD which provided good technical guidelines on trench excavations. Besides, the applicant should observe that the excavation at the slope crest should not be opened up during the wet season unless unavoidable. Design of trench above slopes should take into consideration of potential land flooding and performance of land drainage in the vicinity. Adequate trench drainage measures against water ingress should be provided (e.g. upstand, sandbags, protective apron, pumps etc.). Any voids/gaps/leakage areas surrounding the trench should be promptly rectified to avoid water ingress or leakage. The trench support wall should also be installed ahead of excavation if such excavation was critical to the stability of slope adjacent to the trench. In addition, it was not desirable to have the whole length of a long trench opened up at any one time, even with support and excavation should be in sections of shortest practical length. It was recommended that the trench/pit be backfilled with fine fill material in accordance with the specification and standard of Section 6 of the General Specification for Civil Engineering Works (CEDD 2006 or as amended or updated);

- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant/contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure prior to establishing any structure within the site. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (h) to note the comments of the Chief Engineer/Development (2), Water Supplies Department that as there was an existing 150mm water main along the proposed excavation, the applicant should follow the “Conditions of working in the vicinity of waterworks installations” in Appendix III of the Paper;
- (i) to note the comments of the Director of Environmental Protection that the “Recommended Pollution Control Clauses for Construction Contracts”, which was available from his department’s website, should be implemented to minimize the short-term impacts during construction; and
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should exercise extreme care when working in the vicinity of the existing drains in order not to disturb, interfere with or cause damage to the drains. Any damage should be made good to his satisfaction at the cost of the applicant.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/634            Temporary Open Storage of Used Car Parts for Recycling  
for a Period of 3 Years  
in “Agriculture” and “Village Type Development” zones,  
Lots 2804 (Part), 2806 (Part), 2808 (Part), 2810 (Part), 2811 (Part),  
2812 (Part), 2813 (Part) and 2814 (Part) in D.D. 111 and  
Adjoining Government Land, Wang Toi Shan Wing Ning Lei,  
Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/634)

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**Presentation and Question Sessions**

111.            Mr. W.W. Chan, STP/TMYL, informed the meeting that the replacement pages of P. 1, 4, 15 – 18, Plans A-1, A-2 and A-4 to reflect the latest condition of the site were tabled in the meeting for Members’ reference. He then presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of used car parts for recycling for a period of three years;
- (c) departmental comments – the departmental comments were detailed in paragraph 10 of the Paper and highlighted below:
  - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application. The site was zoned partly “Agriculture” (“AGR”) and partly “Village Type Development” (“V”). The adjoining area was fairly rural in character, intermixed with village houses and open storage yards, etc. The village houses of Wang Toi Shan Shan Tsuen

and Wang Toi Shan Wing Ning Lei were located to the west of the site. Although similar open storage yards could be found in the area, most of them were suspected unauthorized developments. Though the site was paved and currently being used for open storage of vehicles and vehicle parts and there was no significant vegetation within the site. However, it was in close proximity to existing village houses. The proposed open storage was considered not compatible with surrounding rural character;

- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers including residential dwellings in the vicinity of the site, the closest of which was about 15m to the south of the site and environmental nuisances were expected. However, there was no environmental complaint received for the site in the past three years; and
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application. The site fell partly within an area zoned as “AGR” on the Pat Heung OZP. Although the site had been paved and used as an open storage yard, it still had high potential for agricultural rehabilitation;
- (d) four public comments were received during the first three weeks of the statutory publication period. Two local villagers objected to the application that the village paths were narrow and the roads were saturated and thus they could not be used by large vehicles. Moreover, the applied use was very noisy in operation. Furthermore, there were fire breakouts in the vicinity of the site in November and December last year and it was afraid that approving the use under application would worsen the living environs. Besides, there was no provision of impact assessments and improvement measures. It was unfair to the residents nearby. The other two public comments were received from the residents’ representative of Wang Toi Shan Ho Lik Pui and from the indigenous inhabitant representative of Wang Toi Shan Wing Ning Lei. They objected to the

application because the site was adjacent to residential settlements. The life of the residents would be affected. The used car parts for recycling would bring about problems including environmental pollution such as air, waste engine oil, sewage and electronic parts. There was also an outbreak of disastrous fire at the site. As the site was adjacent to the countryside and overgrown with weeds and there was an electric pole at the main door of the site haphazardly connected with overhead lines of the site, the place was in great peril; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised below:
  - (i) the application site fell within “Village Type Development (“V”) zone (about 37% of the site) and “Agriculture” (“AGR”) zone (about 63% of the site) and the development was not in line with the planning intention of both the “V” and “AGR” zones. The DAFC did not support the application from the agricultural point of view as the site had high potential for agricultural rehabilitation. Although the adjoining area of the site was intermixed with various kinds of open storage yards, most of the yards in the area were suspected ‘unauthorized developments’ subject to enforcement action to be taken by the Planning Authority. Approval of the application would frustrate the planning intentions of the zones and there was no strong planning justification given in the submission for a departure from the planning intentions, even on a temporary basis;
  - (ii) the site fell within Category 3 areas (63%) and partly within Category 4 areas (37%) under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The development did not comply with TPB PG-No. 13E in that there was no exceptional circumstance that warranted sympathetic consideration, the applied use was not the subject of any previous planning approval and there were adverse departmental comments and local objections against

the application. In that regard, DEP did not support the current application as there were sensitive receivers including residential dwelling in the vicinity of the site, the closest of which was about 15m to the south of the site and environmental nuisances were expected. In addition, Chief Engineer/Mainland North of Drainage Services Department had requested the applicant to submit a drainage proposal to avoid potential drainage impact on the surrounding areas. No technical assessment had been submitted by the applicant to demonstrate that the applied use would not pose any adverse environmental, landscape and drainage impacts or to propose mitigation measures to address the potential impacts; and

- (iii) there were residential dwellings in the vicinity of the site. The proposed open storage was considered not compatible with surrounding rural character.

112. Members had no question on the application.

#### Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Village Type Development” zone which was to reflect existing recognized and other villages, and to provide land considered suitable for village expansion and re-provisioning of village houses affected by government projects. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. It was also not in line with the planning intention of the “Agriculture” zone which was to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. Approval of the application would frustrate the planning intentions of the zones and there was no strong planning justification given in the

submission for a departure from the planning intentions, even on a temporary basis;

- (b) the development did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that there was no exceptional circumstance that warranted sympathetic consideration, and the applied use was not the subject of any previous planning approval on-site and there were adverse departmental comments and local objections against the application; and
- (c) there were residential dwellings in the vicinity of the site. The development would pose adverse environmental, landscape and drainage impacts to the surrounding areas, and no technical assessment had been submitted to demonstrate that the applied use would not pose any adverse impacts to the surrounding areas or to propose mitigation measures to address the potential issues.

[Professor Paul Lam left the meeting at this point.]

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/562      Proposed Temporary Open Storage of Building Materials, Recycling Materials (Metal, Plastic and Paper), Construction Machinery and Used Electrical/Electronic Appliances and Parts with Ancillary Workshop Activities for a Period of 3 Years in “Undetermined” zone, Lots 490 RP (Part), 709, 710, 711, 723, 724, 725, 729, 730, 731 and 732 in D.D. 119, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/562)

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114.            The Secretary reported that Ms. Anna S.Y. Kwong had declared an interest in this item as she had current business dealings with PlanArch Consultants Limited, one of the consultants of the application. As Ms. Kwong did not have direct involvement in the subject

application, Members agreed that Ms. Kwong could stay in the meeting.

Presentation and Question Sessions

115. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary open storage of building materials, recycling materials (metal, plastic and paper), construction machinery and used electrical/electronic appliances and parts with ancillary workshop activities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that there was a residential dwelling within 100m from the boundary of the site. The applied use would likely give rise to traffic of heavy vehicles and environmental nuisances were anticipated. According to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, this was considered not environmentally desirable. It was noted from the submission that the applicant proposed to store the used electrical/electronic appliances within shelters and on paved ground in order to protect the environment. Along with proper handling of the materials, these measures were considered essential in preventing soil and groundwater contaminations to the surrounding environment, and should therefore be properly put in place in general;
- (d) two public comments were received during the first three weeks of the statutory publication period. The first commenter opined that there were frequent fire incidents in the storage yards for recycling materials with soil contamination and water pollution. The agricultural land and the environment had been suffered from the lack of planning and enforcement. The second commenter, who was a Yuen Long District Council member,

objected to the application as the proposed development would bring serious nuisance to the nearby residents, and the storage of recycling materials (including electronic products) would contaminate the soil; and

(e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper which were summarised below:

- (i) the site fell within the “Undetermined” (“U”) zone on the Outline Zoning Plan and Category 1 areas under Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) where favourable consideration would normally be given to the application. The application was generally in line with the TPB PG-No.13E in that the concerns of relevant departments were technical in nature which could be addressed through the implementation of approval conditions. There were also similar applications in this part of the “U” zone that had been approved with conditions. The “U” zone on the OZP was generally intended for open storage use but was designated with this zoning mainly due to concerns of the capacity of Kung Um Road. In this regard, Commissioner for Transport had not raised any concerns on the traffic impact on Kung Um Road generated by the development. It was considered that approval of the application on a temporary basis would not frustrate the long-term use of the area;
- (ii) the development was in general not incompatible with the surrounding areas which were mixed with warehouses, open storage yards and workshops. Regarding DEP's comments, the applicant proposed to provide fencing and peripheral plantings to minimize the environmental impact and not to operate the site during night time between 9:00 p.m. and 7:00 a.m. The applicant also proposed to store the used electrical/electronic appliances within shelters and on paved ground only. DEP considered that these measures could avoid soil and

groundwater contaminations. To address the environmental concerns, approval conditions requiring the paving of site and provision of boundary fence, restricting the operation hours and prohibiting the storage or handling of electrical/electronic parts outside the concrete-paved covered structures and prohibiting the carrying out of non-ancillary workshop activities were recommended. Besides, another open storage yard to the immediate north of the site under Application No. A/YL-TYST/556 was also approved recently and permitted to use heavy goods vehicles for its operation. Other government departments consulted generally had no adverse comment on the application; and

- (iii) regarding the two public comments, DFAC and CTP/UD&L had no adverse comment on the application from the nature conservation and landscape perspectives and relevant approval conditions were also recommended to address the environmental, landscaping and fire safety concerns.

116. Members had no question on the application.

#### Deliberation Session

117. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 10.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the application site during the planning approval period;
- (c) no storage or handling (including loading and unloading) of used electrical appliances, computer/electronic parts (including cathode-ray tubes) or any

other types of electronic waste was allowed outside the concrete-paved covered structures on the application site at any time during the planning approval period;

- (d) no dismantling, repairing, cleansing or other workshop activities, except ancillary workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (e) the paving of the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.8.2012;
- (f) the provision of boundary fence for the application site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 10.8.2012;
- (g) the implementation of the accepted 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 10.8.2012;
- (h) the implementation of the accepted drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 10.8.2012;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 23.3.2012;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 10.8.2012;
- (k) in relation to (j) 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 10.11.2012;

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

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners would need to apply to his office to regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, the site was accessible through an informal village track on government land and other private land extended from Kung Um Road. His office did not provide maintenance works for such track nor guarantee right-of-way;
- (c) to note the comments of the Commissioner for Transport that the land

status of the track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same track should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the retained/new trees in the site should be properly maintained and the operation of the site should avoid affecting the existing trees in the vicinity;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix IV of the Paper. For the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his Department for approval. Should the applicant wish to apply for

exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration;

- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Enforcement action might be taken by the BA to effect removal of any such unauthorized building works (UBW) in accordance with BD's enforcement policy against UBW as and when necessary. The granting of planning approval should not be construed as an acceptance of any existing building works or UBW on-site under the BO. The temporary converted containers/open shed for storage/workshop/toilet were considered as temporary buildings that were subject to control under the Building (Planning) Regulations (B(P)R) Part VII. Before any new building works were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were UBW. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. The site should be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access should be provided under B(P)R 41D. If the site did not abut on a specified street having a width of not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at the building plan submission stage; and
- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractors should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable

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

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/564 Temporary Open Storage of Construction Machinery, Construction Materials and Recycled Materials (including Metal and Plastic) with Ancillary Workshop for a Period of 3 Years in “Undetermined” zone, Lots 2428 RP (Part), 2429 S.D (Part), 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A & S.B (Part), 2705, 2712 (Part), 2713 (Part), 2714, 2716 RP, 2717 RP (Part) and 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/564)

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#### **Presentation and Question Sessions**

119. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application - the site was subject of four previous applications (Application Nos. A/YL-TYST/110, 132, 458 and 516). Except Application No. A/YL-TYST/132 for development of New Territories Exempted Houses (NTEHs) (Small Houses) rejected by the Committee, the other three applications for temporary open storage use were approved but the approvals were all revoked subsequently. The approval under Application No. A/YL-TYST/110 was revoked in 2001 due to non-compliance of approval conditions on the landscaping and drainage

aspects. The approval under Application No. A/YL-TYST/458 was revoked in 2010 due to non-compliance of the condition in relation to the implementation of drainage facilities. The last approval under Application No. A/YL-TYST/516 was revoked in 2011 due to non-compliance of the condition which prohibited open storage within 20m from the western boundary of the application site adjoining the “Village Type Development” (“V”) zone;

- (b) the temporary open storage of construction machinery, construction materials and recycled materials (including metal and plastic) with ancillary workshop for a period of three years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses along the access track leading from Shan Ha Road to the site, and environmental nuisance was expected. There were two environmental complaints related to waste pollution on the site in 2009 concerning land filling activities, but no offence under the Waste Disposal Ordinance could be established in his investigation;
- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was submitted by a Yuen Long District Council member who objected to the application as he considered that the repeated revocations of the previous planning approvals reflected the applicant’s insincerity to comply with the approval conditions and, as such, the current application should be rejected; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper which were summarised below:
  - (i) although the applied temporary open storage use with ancillary workshop was not incompatible with the surrounding open storage yards, vehicle parks and workshops in the area, the applicant had to

demonstrate that all potential adverse impacts arising from the development could be adequately mitigated. As such, approval conditions in relation to the environmental, landscaping, drainage and fire safety aspects were imposed in the three previously approved applications (No. A/YL-TYST/110, 458 and 516) for similar uses at the site. However, the approval conditions were not complied with repeatedly and the last three planning approvals were all revoked due to failure to comply with landscaping and drainage conditions, or breach of the conditions which prohibited open storage within the 20m-wide buffer area. At the time of revocation of the planning approval under the last application (No. A/YL-TYST/516) which was approved for one year, the conditions related to the implementation of drainage facilities and submission and implementation of FSIs proposal had not been complied with by the applicant after the approval condition lapse of about 6 months. The applicant had been advised in the last approval that sympathetic consideration might not be given to any further application if the planning permission was revoked again for non-compliance of approval conditions; and

- (ii) although the applicant claimed that he was not related to the applicants of the previous revoked planning applications, it was noted that after revocation of the last planning approval, the storage use on the site had not discontinued. In the current application, DEP still considered that the development could create environmental nuisance on the nearby sensitive receivers; and according to DLO/YL of LandsD, three Small House applications on a location at about 20m to the southwest of the site in the “Village Type Development” (“V”) zone had been approved. As such, there was a genuine need to allow and maintain the 20m-wide buffer area for the “V” zone in order to mitigate the potential environmental impact of the development. The applicant, however, did not seem to recognize the need for such a buffer area as open storage use was still found within the concerned buffer area and construction materials were proposed to be stored in the area immediately next to the “V” zone. The applicant’s intention and

ability to comply with the approval conditions were therefore questionable. Against this background and noting the repeated failures to comply with the approval conditions of the three previous planning permissions, it was doubtful that the potential adverse impacts of the development could be duly addressed by way of imposing approval conditions.

120. Members had no question on the application.

### Deliberation

121. In response to the Chairman's enquiry, Mr. W.W. Chan replied that three previous approved applications for similar uses at the site had been revoked due to non-compliance with the approval conditions. As such, the applicant's intention to comply with the approval conditions under the current application was doubtful. PlanD had concern on the potential adverse impacts of the development and the applicant had failed to demonstrate that the development would not generate adverse environmental, drainage and fire safety impacts.

122. Noting that various enforcement notices were issued by the Planning Authority requiring the concerned parties to discontinue the unauthorized developments by 2.2.2012, 2.3.2012 and 19.3.2012, a Member asked whether there were several unauthorised developments found on the application site. Mr. W.W. Chan replied that the site was relatively large and involved different open storage uses without valid planning permission cover. As such, the Planning Authority had issued various enforcement notices on the unauthorised developments found on site to the concerned parties.

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

- (a) the application did not comply with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the applicant could not demonstrate that the development would not

generate adverse environmental, drainage and fire safety impacts on the surrounding areas or such impacts could be addressed through the implementation of approval conditions, and there were adverse departmental comments on the application; and

- (b) the application involved three previously revoked planning permissions due to non-compliance with the approval conditions. Approval of the application with repeated non-compliances would set an undesirable precedent for other similar planning permissions for temporary uses which were also subject to the requirement to comply with the approval conditions, thus nullifying statutory planning control.

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/567      Renewal of Planning Approval for Temporary “Interim Housing” Use under Application No. A/YL-TYST/417 for a Period of 3 Years in “Open Space” zone and an area shown as ‘Road’, Long Bin Interim Housing Area, Junction of Castle Peak Road - Ping Shan and Long Tin Road, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/567)

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124.            The Secretary reported that as the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members had declared interests in this item:

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|--|---|
| Mr. Jimmy Leung<br>as the Director of Planning                     | – being a member of the Strategic Planning Committee (SPC) of Hong Kong Housing Authority (HKHA); |
| Ms. Anita Lam<br>as the Assistant Director of the Lands Department | – being an alternate member for the Director of Lands who was a member of HKHA;                   |

- Mr. Eric Hui – being an alternate member for the  
as the Assistant Director of the Home Director of Home Affairs who was a  
Affairs Department member of the SPC of HKHA;
- Professor Edwin H. W. Chan ] being members of the Building  
Dr. W.K. Lo ] Committee of HKHA;
- Mr. Y.K. Cheng – his spouse was an Assistant Director of  
Housing Department; and
- Mr. Stephen M. W. Yip – Being the Chairman of Building  
Committee and a member of the SPC  
and Tender Committee of the HKHA.

125. Members noted that Dr. W. K. Lo, Ms. Anita Lam, Mr. Eric Hui, Mr. Y.K. Cheng and Mr. Stephen Yip had tendered their apologies for being not able to attend the meeting and Prof. Edwin Chan had left the meeting. As the Committee considered that the Chairman's interest was direct and should leave the meeting temporarily for the item, the Vice-chairman chaired the meeting at this point.

[Mr. Jimmy Leung left the meeting temporarily at this point.]

#### Presentation and Question Sessions

126. Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary "interim housing" use under Application No. A/YL-TYST/417 for a period of three years;
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application;

- (d) one public comment was received during the first three weeks of the statutory publication period. The public comment was submitted by a local resident who considered that a large proportion of the housing units in Long Bin Interim Housing was vacant and suggested that the Government could better utilize the site, for instance, to sell the site for private housing development, to build a large shopping mall at the site for serving the nearby residents, or to develop a large market at the site which could become an attraction of Yuen Long; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper which were summarised below:
  - (i) although the site fell within the “Open Space” (“O”) zone, the existing provision of open space in Yuen Long district was on the whole adequate to meet the requirement of the current population in accordance with the Hong Kong Planning Standards and Guidelines. The Director of Leisure, Culture and Services advised that there was currently no development programme for the planned open space at the site and had no objection to the application. Hence, the continuation of the interim housing use for a further period of three years would not jeopardize the long-term planning intention of the “O” zone;
  - (ii) the development comprising 8 interim housing blocks of 4 to 6 storeys with 840 housing units within a large site of about 3 hectare in gross area was of relatively low density (about PR 0.7) and was not incompatible with the surrounding environment which was primarily low-rise residential in character. It was in line with government policy to provide temporary accommodation for households ineligible for conventional public rental housing. According to the applicant, the occupancy rate of the interim housing at the site had remained relatively

high, and the demand for interim housing was expected to increase in the next few years as a result of government actions to clear illegal structures and subdivided flats;

- (iii) the site was the subject of three previous approvals for the same applied use granted since 1997. The application was generally in line 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) in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/YL-TYST/417, the conditions of the previous approval, including those in relation to the submission and implementation of EVA and water supply for fire fighting and FSIs proposals had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval. The relevant government departments consulted generally had no adverse comment on the application; and
- (iv) regarding the public comment on the better utilization of the site for housing and commercial purposes, it should be noted that planning was a continuing process and the use and utilization of each site would be reviewed from time to time. The temporary use should not jeopardize the planned permanent use but represented a better use of the land resource.

127. Members had no question on the application.

#### Deliberation Session

128. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 28.2.2012 to 27.2.2015, 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 on the application site should be

maintained at all times and the dead trees should be replaced during the planning approval period;

- (b) the existing drainage and sewage facilities on the application site should be maintained at all times and the inadequate/ineffective facilities should be rectified during the planning approval period;
- (c) the existing fire service installations on the application site should be maintained in a good working order at all times during the planning approval period;
- (d) if any of the above planning conditions (a), (b) or (c) was not complied with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (e) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- to note the comments of the District Lands Officer/Yuen Long, Lands Department that a further extension of time of the Vesting Order (V.O. TH/TYL 46) which was due to expire by 27.2.2012 should be applied for from his office.

[Mr. Jimmy Leung returned to join the meeting at this point.]

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/568      Renewal of Planning Approval for Temporary “Concrete Batching Plant” under Application No. A/YL-TYST/410 for a Period of 3 Years in “Industrial” zone, Lots 1290 S.C RP, 1293 S.C and 2019 in D.D. 121 and Adjoining Government Land, San Fui Street, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/568)

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**Presentation and Question Sessions**

130.      Mr. W.W. Chan, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) renewal of planning approval for temporary “concrete batching plant” under Application No. A/YL-TYST/410 for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments given in paragraph 12 of the Paper which were summarised below:
  - (i) the development was not incompatible with the surrounding land uses

which were predominantly industrial in character with low-rise industrial buildings, warehouses, rural workshops and open storage yards intermixed with scattered residential structures. The site had been granted with planning permissions for concrete batching plant use since 1998 under Application Nos. A/YL-TYST/50, 181, 306 and 410;

- (ii) the application was generally in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development (TPB PG-No. 34B) in that there had been no material change in planning circumstances since the granting of the previous temporary approval under Application No. A/YL-TYST/410; the conditions of the previous approval, including those in relation to the submission of a record of the existing drainage facilities, provision of run-in/out and provision of emergence vehicle access (EVA), water supplies for fire fighting and fire service installations, had been complied with; and the 3-year approval period sought was of the same timeframe as the previous approval; and
- (iii) government departments consulted generally had no adverse comment on the application. According to Director of Environmental Protection, there was no substantiated environmental complaint against the site in the past three years. Relevant approval conditions were recommended to require the maintenance of the existing landscape plantings and drainage facilities, submission of a record of the existing drainage facilities, provision of run-in/out and submission and implementation of EVA, water supplies for fire fighting and fire service installations proposals to address the technical concerns from government departments.

131. Members had no question on the application.

#### Deliberation Session

132. After deliberation, the Committee decided to approve the application on a

temporary basis for a period of 3 years from 18.2.2012 to 17.2.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) vehicles to and from the application site were restricted to using the major trunk roads and industrial access roads in the vicinity of the site;
- (b) the existing landscape plantings on the application site should be maintained at all time during the planning approval period;
- (c) the existing drainage facilities on the application site should be maintained at all time during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the application site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.8.2012;
- (e) the provision of a run-in/out at the vehicular access point at San Fui Street within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Highways or of the TPB by 17.8.2012;
- (f) the submission of water supplies for fire fighting and fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.8.2012;
- (g) in relation to (f) above, the implementation of the water supplies for fire fighting and fire service installations proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.11.2012;
- (h) if any of the above planning conditions (a), (b) or (c) was not complied

with at any time during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and

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

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

- (a) to resolve any land issue relating to the development with the other concerned owner of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the lot owners and occupiers of the government land concerned would need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site (as compared to the restrictions under Short Term Waivers No. 3020 and 3045, Term Waiver No. 8 and Short Term Tenancy No. 1993). Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access of the site was open onto San Fui Street and San Hi Tsuen Street via a short strip of government land. His office did not provide maintenance works on this access nor guarantee right-of-way;
- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the run-in/out to be constructed at the access point at San Fui Street should be in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5115 and H5116, whichever set as appropriate to suit the type of pavement of adjacent areas. An interception channel should also be constructed at the site entrance to prevent surface water running from the site to the nearby public road and

drains through the run in/out. Moreover, his Department should not be responsible for the maintenance of any vehicular access between the site and San Fui Street;

- (d) to note the comments of the Director of Environmental Protection (DEP) that the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by DEP should be observed by the applicant. Moreover, a concrete batching plant (cement works) was a “Specified Process” which required a licence under the Air Pollution Control Ordinance;
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The provision of emergency vehicular access in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulation 41D; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that according to his records, appraisal report for the existing concrete batching plant at the site which was authorized building work had been acknowledged via his letter to the Registered Structural Engineer (RSE) on 26.7.2004. However, after then, no maintenance survey report together with certification regarding the stability of the concrete batching plant from the RSE had been received as stipulated in paragraph 2 of the said letter. In this regard, the applicant was required to appoint a RSE and submit such certification to his Department immediately, or otherwise BD would consider taking enforcement action against the existing concrete batching plant.

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

**Agenda Item 35**

**Any Other Business**

134. The Secretary informed Members that a local site visit would be arranged on 23.2.2012 and the Secretariat would provide Members with the details in due course.

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