

## **TOWN PLANNING BOARD**

### **Minutes of 499<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 8.11.2013**

#### **Present**

Director of Planning Mr K.K. Ling	Chairman
M. Timothy K.W. Ma	Vice-chairman
Professor Edwin H.W. Chan	
Dr W.K. Yau	
Mr Ivan C.S. Fu	
Mr Lincoln L.H. Huang	
Ms Janice W.M. Lai	
Ms Christina M. Lee	
Mr H.F. Leung	
Mr F.C. Chan	

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr W.C. Luk

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

Principal Environmental Protection Officer (Strategic Assessment),  
Environmental Protection Department  
Mr H.M. Wong

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

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

### **Absent with Apologies**

Mr Rock C.N. Chen

Dr C.P. Lau

Professor K.C. Chau

Ms Anita W.T. Ma

Dr Wilton W.T. Fok

## In Attendance

Assistant Director of Planning/Board  
Ms Brenda K.Y. Au

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

Town Planner/Town Planning Board  
Mr Dennis C.C. Tsang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 498<sup>th</sup> RNTPC Meeting held on 25.10.2013

[Open Meeting]

1. The draft minutes of the 498<sup>th</sup> RNTPC meeting held on 25.10.2013 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**

[Mr C.K. Soh, District Planning Officer/Sha Tin, Tai Po and North (DPO/STN), and Mr C.T. Lau, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN), were invited to the meeting at this point.]

### **Agenda Item 3**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/TP/18              Application for Amendment to the Approved Tai Po Outline Zoning Plan No. S/TP/24 from “Village Type Development” to “Government, Institution or Community (2)”, Lots 738 S.C and 738 S.C ss.1 in D.D. 6, 74-75 Kam Shan Road, Tai Po  
(RNTPC Paper No. Y/TP/18)

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3.              The Secretary reported that Mr Ivan C.S. Fu and Dr W.K. Yau had declared an interest in this item as Mr Fu had current business dealings with MVA (Hong Kong) Ltd., which was one of the consultants of the application and Dr Yau owned property with a direct view to the application site. Members agreed that Dr Yau should be invited to leave the meeting temporarily during the discussion of and determination on this application. As Mr Fu had no direct involvement in the subject application, Members agreed that he should be allowed to stay in the meeting.

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

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

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

Mr C.K. Soh

-              District Planning Officer/Sha Tin, Tai Po and North (DPO/STN)

Mr C.T. Lau - Mr C.T. Lau, Senior Town Planner/Sha Tin, Tai Po and North (STP/STN)

5. The following applicant's representatives and owners of columbarium niches were also invited to the meeting at this point:

Mr C.K. Yuen Seen Pun	}	
Mr Kim Chan	}	Applicant's Representatives
Ms Stephanie Lee	}	
Mr Kenneth Lai	}	
Mr Chan Wok Hung	)	
Mr Wong Ho Man	)	
Mr Tai Chin Ching	)	
Ms Kwok Yee Wah	)	
Ms Lam Suk Fa	)	
Ms Chan Fung Ha	)	
Ms Lam Li Ying	)	Owners of Columbarium niches
Mr Lam Ka Ho	)	
Mr Lo King Wa	)	
Mr Leung Fee Chun	)	
Mr Tam Yue Hong	)	
Mr Lam Ho	)	

6. With the aid of a PowerPoint presentation, Mr C.T. Lau, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

## The Proposal

- (a) the applicant proposed to amend the approved Tai Po Outline Zoning Plan (OZP) No. S/TP/24 by rezoning the application site (about 87.09m<sup>2</sup>) from “Village Type Development” (“V”) to “Government, Institution or Community (2)” (“G/IC(2)”) for columbarium purpose. The applicant also proposed a new set of Notes to include ‘Columbarium’ use under Column 2 of the “G/IC(2)” zone. No specific uses were proposed under Column 1 of

the new sub-zone;

- (b) the rezoning proposal was to regularize a columbarium being used in a single-storey building on site to provide a total of 1,700 niches, including 250 single-niches and 1,450 twin-niches, adding up to a total floor area of about 87.09 m<sup>2</sup>;
- (c) to address the potential traffic impacts arising from undue illegal parking during Ching Ming and Chung Yuen Festivals, the applicant proposed to close the columbarium mandatorily on the festival days and the closure arrangement would have to be agreed by the current owners and be included in the sales agreement for future buyers. Besides, special temporary traffic arrangements, including segregation of pick-up and drop-off lay-bys on both sides of Kam Shan Road, imposition of ‘No Waiting’ zone, banning of right-turn at the exit lay-by and provision of temporary traffic signs, were proposed during shadow weekends of the festival days;
- (d) the applicant also proposed to widen part of Kam Shan Road to provide a lay-by to accommodate the potential pick-up/drop-off traffic and would relieve the existing illegal parking problem along Kam Shan Road. A barrier-free access which included a new ramp and a staircase was also proposed on Government land to the north of the site;

Departmental Comments

- (e) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows :
  - (i) the Secretary for Food and Health and the Director of Food and Environmental Hygiene (DFEH) had no objection to the application provided that the columbarium had complied with all statutory and government requirements such as those on town planning, building and fire safety, as well as the land lease;

- (ii) DFEH commented that there was inadequate provision of toilet facilities. The nearby existing public toilet managed by his department was not intended to cater for the people patronizing the columbarium. He considered that from venue management point of view, it was the prime duty of the operator to provide sufficient toilet facility for people visiting the columbarium. It was expected that visitors to the columbarium would have a high demand for toilet facilities during festival days. It was not acceptable to rely solely on the nearby public toilet to meet the visitor's need. The applicant should devise appropriate measures to address this concern;
- (iii) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the columbarium might be permitted under the lease and any planning conditions permitted by the Town Planning Board could not be written into the lease through lease modification. Hence, the proposed imposition of a Special Condition in the lease with respect to the proposed closure arrangements was not acceptable from land administration point of view. The proposed barrier-free access to the application site, including the new ramp and staircase on Government land, was not supported from land administration perspective;
- (iv) the Commissioner for Transport (C for T) did not support the application as the Traffic Impact Assessment (TIA) submitted by the applicant had failed to demonstrate that the development under application would have no traffic impacts on the surrounding areas and the proposed traffic / pedestrian arrangements and widening of Kam Shan Road could satisfactorily resolve the possible adverse traffic impacts. In particular, it was doubtful that most of the visitors were assumed to use public transport and to prefer the use of parking facilities within the 500m catchment of the application site. He further commented that the forecast on private car trip generation and associated parking demand based on such assumptions was not acceptable. Besides, the applicant should also indicate the remaining clear width of the footpath along the proposed lay-by and assess the Level of Service of the footpath along

Kam Shan Road after the proposed widening; and

- (v) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that the proposed road widening was likely to affect the row of existing mature *Melaleuca quinquenervia* trees along Kam Shan Road. Besides, the columbarium use was not compatible with the adjoining residential developments;

Public Comments

- (f) 49 public comments, including 27 supporting and 22 objecting the application, were received during the first three weeks of the statutory publication period of the application, and a total of 80 public comments objecting to the application were received during the publication periods of subsequent further information received on 24.5.2013 and 16.7.2013;
- (g) the objections were submitted mainly from private individuals including a comment from the Alliance for the Concern over Columbarium Policy and 32 comments from the Wo Liu Hang Concern Group. Their objections were mainly on grounds that the proposed development was incompatible with the surrounding residential developments; it was not in line with the planning intention of the “V” zone; it would cause traffic congestion, road safety and parking problems in Kam Sham, particularly during Ching Ming and Chung Yuen Festivals; it would have adverse environmental impacts on the surrounding areas, including noise nuisance and air pollution; it would increase pedestrian flow and attract strangers to the area and create public security problems; the operation of the columbarium would generate adverse fung shui, psychological and health impacts on nearby residents and affect the tranquil environment; approval of the application would set an undesirable precedent for similar applications; and repeated applications by the applicant would be a nuisance to the concerned government departments and villagers and an abuse of the planning procedures; and
- (h) the public comments supporting the proposed development were mainly on

grounds that the columbarium had not generated adverse traffic, drainage and environmental impacts on the district since its operation in 2008. It was a tidy columbarium which was conveniently located at a tranquil location. The proposed ‘visit by appointment’ system would help relieve the pedestrian flow in the area and bring about positive impact, and the columbarium would provide a much needed community facility in the district in an acceptable location;

PlanD’s Views

- (i) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :
  - (i) the concerned columbarium was located within the village proper of Kam Shan and immediately adjoining existing residential dwellings. The proposed columbarium use was considered incompatible with the general village type development of the area;
  - (ii) the planning intention of the “V” zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The site was within the ‘village environs’ of Kam Shan and formed an integral part of the village setting where village office, Tsz Tong and village houses were found. Piecemeal rezoning of the application site to “G/IC(2)” was considered not appropriate;
  - (iii) to address the potential traffic problems caused by the proposed development and the undue illegal parking problems in the area, the applicant proposed to close the columbarium during Ching Ming and Chung Yeung Festival days and to widen part of Kam Shan Road for the provision of a 50m long lay-by to address the demand of potential pick-up/drop-off. However, C for T considered that the assumptions adopted in the TIA were not acceptable and the TIA

failed to demonstrate that the proposed development would have no adverse traffic impacts on the surrounding areas. Furthermore, the applicant had failed to demonstrate these measures could satisfactorily resolve the possible adverse traffic impacts. C for T did not support the application;

- (iv) regarding the road widening proposal at Kam Shan Road for on-street parking and lay-by, the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) was concerned that sewers and stormwater drains under the concerned footpath would be affected and their covers would be reduced. CTP/UD&L was concerned that the proposed road widening may affect the edge of the existing roadside planting strip on the northern side of Kam Shan Road with a row of mature *Melaleuca quinquenervia* thereon. The applicant had failed to address these issues;
- (v) regarding the applicant's proposed closure arrangement of the columbarium during Ching Ming and Chung Yeung Festivals and imposition of the closure arrangement as a Special Condition upon lease modification, DLO/TP advised that since the proposed columbarium use might be permitted under the lease, the applicant would not be required to seek a lease modification from LandsD. Hence, the proposed imposition of a Special Condition in the lease with respect to the proposed closure arrangement was considered inappropriate and not acceptable from land administrative point of view. Furthermore, the proposed barrier-free access on Government land was not supported by DLO/TP from land administration perspective;
- (vi) the subject columbarium had already been in operation without planning permission. There were concerns on the enforceability of the proposed closure arrangement. Even if columbarium use was put under Column 2 and approval conditions were imposed, there were still doubts on the enforceability of the approval conditions. There

were other suspected unauthorized columbarium developments in the Kam Shan area. Approval of the rezoning application would set an undesirable precedent for other similar rezoning applications. The cumulative effect of approving such similar applications would further deteriorate the village setting of the area; and

- (vii) public comments against the application were received, mainly on the grounds that the proposed columbarium would pose adverse traffic, environmental, visual, fung shui, health and psychological impacts on the surrounding areas.

[Professor Edwin H.W. Chan arrived to join the meeting at this point.]

7. The Chairman then invited the applicant's representatives to elaborate on the application. Before making the presentation, Mr Kim Chan clarified that with the implementation of the proposed traffic management measures, the TIA submitted by the applicant had indicated that there would be no adverse traffic impact. Hence, the proposed widening of Kam Shan Road did not form part of the application and it was only for the concerned government departments' reference if they wished to further enhance the traffic condition of the area. He then made the following main points with the aid of a Power Point presentation:

- (a) it was appropriate to apply to the Town Planning Board (TPB) to regularise the columbarium as the TPB had the power to enforce and monitor the applied use;
- (b) there was already a temple with provision of columbarium, i.e. Cheung Ha Ching Yuen, at about 40m to the south-east of the application site. The application site had already been operating since 2007 and had not attracted any complaints from nearby villagers and residents. It was considered that columbarium was acceptable to the locals;
- (c) the existing building at the application site was over 100 years old and the columbarium under application was adjoining a Tsz Tong which could not

be used for village type development. It would have no impact on the environment and layout of Kam Shan Village. The application was to reflect the local aspiration for this type of community facilities. There were other approved applications for rezoning sites from “V” to “G/IC” to meet local demands for community facilities;

- (d) the columbarium use under application was at an easily accessible location aiming to serve local indigenous villagers. By encouraging villagers to use the columbarium, there would be less demand for land for burial and would have less impact on the existing environment, slopes, hygiene and trip generation;
- (e) the development would not involve widening of Kam Shan Road and no impact on the existing trees along Kam Shan Road would be expected;
- (f) the closure of the columbarium could be implemented by including relevant clauses in the lease. It was also feasible to control the traffic impact by imposing relevant conditions on the operation period when the application for columbarium use under s.16 of the Town Planning Ordinance was approved in future; and
- (g) the Lands Department’s objection to the proposed barrier-free access was against the Government’s barrier-free access policy.

8. The Chairman then invited Mr Kenneth Lai, the applicant’s traffic consultant, to elaborate on the application. Mr Lai made the following main points :

- (a) the forecast of vehicle trips and modes of transport was based on the established methodology which involved traffic survey. The traffic survey was conducted to determine the existing traffic conditions. The findings of the traffic survey should be acceptable as a basis for the forecast in the TIA;
- (b) the parking facilities in the area were within 500m from the application site

which in general was regarded as an acceptable walking distance; and

- (c) the proposed provision of a lay-by along Kam Shan Road would have no impact on the Level of Service of the existing footpath as the width of the footpath after the road widening would still be around 1m to 3m. In any case, the proposed road widening was only for concerned government departments to consider, if required.

9. The Chairman then invited the applicant's representative to elaborate on the application. Mr S.P. Yuen made the following main points :

- (a) the operation of the columbarium commenced in 2007 and 137 niches had been sold since then;
- (b) the owners bought the niches because the columbarium was at a convenient location and with good environment;
- (c) with the proposed licensing scheme for private columbaria, the owners of these 137 niches would be affected;
- (d) the applicant would like to compensate these owners by cash for the sold niches, but they refused to accept the compensation. They did not want any relocation of the niches; and
- (e) since the Government published the interim information on private columbaria in 2010 in order to help the public make informed choices when purchasing niches before the introduction of the licensing scheme, no niche at the application site had been sold.

10. The Chairman then invited an owner of the niches to express his views. Mr K.W. Lo made the following main points :

- (a) he was a resident nearby and purchased a niche before the Government's publication of the interim information for private columbaria. As the

columbarium was conveniently located, he would not accept any form of compensation for relocating his niche; and

(b) there was no traffic congestion problem in the area.

11. In response to a Member's question on whether the proposed licensing scheme for private columbaria and the subject rezoning application should be dealt with together, Mr C.K. So, STN/DPO, explained that they were two separate matters. The focus of the subject application should be on whether the application site was suitable for columbarium use, and whether the use under application would cause any adverse traffic and other impacts on the nearby residents.

12. In response to a Member's query on whether the applicant would be able to address the traffic issues and the provision of toilets, Mr Kim Chan responded that with the proposed closure of the columbarium on Ching Ming and Chung Yuen Festivals, it would be able to minimise the traffic impacts. Regarding the provision of toilets, he explained that there were technical problems in providing a septic tank at the application site but movable temporary toilets could be provided, if required. Mr S.P. Yuen further supplemented that the owners of the niches were mainly local residents and it would be easy for them to use their own toilets.

13. In response to the Vice-chairman's enquiries on the price of the niches and the traffic conditions of the area when all 1,700 niches were sold, Mr S.P. Yuen said that each niche would cost about \$20,000, but he would not be able to estimate the likely traffic conditions on festival days with all niches sold. Mr Kenneth Lai said that the application site was located about 400m away from Tai Wo Station and well served by bus services. The forecast in the TIA was based on the traffic survey of the existing traffic conditions and the TIA concluded that there would be no adverse traffic impact when all niches were sold.

14. In response to the Chairman's enquiry, Mr C.K. So, STN/DPO, confirmed that the application site was located in a residential neighbourhood.

15. As the applicant's representatives and owners of columbarium niches had no further points to raise and there were no further questions from members, the Chairman

informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives, the owners of the columbarium niches and PlanD's representatives for attending the meeting. They left the meeting at this point.

### Deliberation Session

16. Members generally considered that there were insufficient justifications to support the application. The proposed development was located next to village houses and not compatible with the existing setting of Kam Shan Village. The proposed closure on Ching Ming and Chung Yuen Festivals and the non-provision of toilet facilities were unacceptable. Moreover, the proposed licensing scheme for private columbaria and the rezoning application were two separate issues and should not be mixed together.

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

- “(a) the site is within a village type development area with the planning intention primarily for development of Small Houses by indigenous villagers. The columbarium use is considered not compatible with the existing village setting of the area. There is no strong justification for rezoning the site from “Village Type Development” (“V”) to “Government, Institution or Community (2)” “G/IC(2)” zone to make provision for application for columbarium use. The current “V” zone for the site is considered appropriate and piecemeal rezoning of the site to “G/IC(2)” is considered not appropriate;
- (b) the Traffic Impact Assessment submitted by the applicant fails to demonstrate that the proposed development would have no adverse traffic impacts on the surrounding areas and the proposed traffic and pedestrian arrangements and widening of Kam Shan Road could resolve the possible adverse traffic impacts satisfactorily;
- (c) the applicant fails to demonstrate that the proposed closure of the

columbarium on Ching Ming and Chung Yeung Festivals is implementable and enforceable; and

- (d) the approval of the application would set an undesirable precedent for other similar applications within the “V” zone. The cumulative effect of approving such similar applications would further deteriorate the village setting of the area.”

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

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

[Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), Mrs Margaret W.F. Lam and Mrs Alice K.F. Mak, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

### **Agenda Item 4**

[Open Meeting]

Proposed Amendments to the  
Draft South Lantau Coast Outline Zoning Plan No. S/SLC/17  
(RNTPC Paper No. 11/13)

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

### **Presentation and Question Sessions**

18. With the aid of a PowerPoint presentation, Mrs Margaret W.F. Lam, STP/SKIs, briefed Members on the proposed amendments to the draft South Lantau Coast Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

### **Background**

- (a) the proposed zoning amendments were in response to the Chief Executive's 2013 Policy Address to increase the housing land supply in the short, medium and long terms to tackle the housing problem;
- (b) a piece of government land of about 0.53 hectare at Cheung Sha, South Lantau had been identified as having potential for increasing development intensity by utilizing the design capacity of the existing infrastructure;

#### The Site and Its Surrounding Areas

- (c) the site was currently zoned "Residential (Group C)" ("R(C)") on the draft South Lantau Coast OZP No. S/SLC/17, subject to a maximum plot ratio of 0.4, maximum site coverage of 25% and maximum building height of 2 storeys (7.6m);
- (d) the site was on a slope and covered by natural vegetation. It was accessible by a road leading to South Lantau Road. The site was surrounded by low-rise residential developments in the "R(C)" zone with plot ratio of about 0.4 and building height of 1 to 2-storey high (about 7m) and "Village Type Development" zone with Small Houses of 3 storeys (about 8m);

#### Technical Considerations and Proposed Amendments

- (e) the proposed rezoning from "R(C)" to "R(C)1" had taken into consideration the compatibility with the surrounding land uses, visual, urban design, landscape, air ventilation, traffic and environmental aspects, and infrastructural capacities;
- (f) the new "R(C)1" zone would be subject to a maximum plot ratio of 0.8, maximum site coverage of 40%, and maximum building height of 3 storeys (including carport);
- (g) the ES of the OZP would be revised to reflect the proposed amendments

and to update the general information of various land use zones, where appropriate;

Departmental and Public Consultations

- (h) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) commented that as the site was located on a slope, tree felling would be required for site formation;
  - (i) the Director of Drainage Services (DDS) commented that prior to the commissioning of the public sewerage system to serve the South Lantau area in 2021, the future developer of the site should be required under the lease to make own provision for sewage treatment on site;
  - (j) the Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) commented that the site was overlooked by steep natural terrain and met the Alert Criteria for a Natural Terrain Hazard Study and suitable mitigation measures should be carried out as part of the development;
  - (k) the above issues could be addressed by including appropriate clauses in the lease of the site;
  - (l) other concerned bureau/departments consulted had no objection to or no adverse comments on the proposed amendments;
  - (m) the Islands District Council and South Lantao Rural Committee would be consulted during the exhibition period of the OZP amendments under section 7 of the Town Planning Ordinance;
19. In response to a Member's enquiry on why only part of the "R(C)" zone was proposed to be rezoned to "R(C)1" and another Member's question on whether the infrastructure would be able to support the increase in the development intensity of the site, Mr Ivan M.K. Chung, DPO/SKIs, explained that the proposed boundary of the site had taken

into consideration a number of factors including the natural geographical features, land ownership and the existing infrastructural capacities. He further explained that the existing capacities of water supplies and water treatment facilities would be able to cater for the anticipated increase in population resulting from the proposed amendments. Any further increase in the development intensity of the area would require substantial improvement to the existing infrastructure. Hence, further review of the land use zoning in the South Lantau area would be undertaken after the existing infrastructural facilities had been upgraded.

20. After deliberation, the Committee decided to :

- (a) agree that the proposed amendments to the draft South Lantau Coast Outline Zoning Plan (OZP) No. S/SLC/17 as shown on the draft South Lantau Coast OZP No. S/SLC/17A (to be renumbered as S/SLC/18 upon exhibition) at Appendix I and the draft Notes at Appendix II of the Paper were suitable for exhibition for public inspection under section 7 of the Town Planning Ordinance; and
- (b) adopt the revised Explanatory Statement (ES) at Appendix III of the Paper for the draft South Lantau Coast OZP No. S/SLC/17A (to be renumbered as S/SLC/18) as an expression of the planning intention and objectives of the Board for various land use zonings on the OZP and the revised ES would be published together with the draft OZP.

## **Agenda Item 5**

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/I-TCTC/46      Renewal of Temporary “Eating Place” under Application No. A/I-TCTC/39 for a Period of 3 Years in “Open Space” Zone, Lots Nos. 2257 (Part) and 2258 (Part) in D.D. 3 Tung Chung, G/F, Blocks 2A and 2B, Wong Nai Uk, Tung Chung, Lantau Island  
(RNTPC Paper No. A/I-TCTC/46)

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Presentation and Question Sessions

21. Ms Christina M. Lee declared an interest in this item as she owned a property with a direct view to the application site. Members agreed that Ms Lee should be invited to leave the meeting temporarily during the discussion of and determination on this application.

[Ms Christina M. Lee left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the renewal of temporary eating place under previous Application No. A/I-TCTC/39 for a period of 3 years;
- (c) departmental comments – the Project Manager (Hong Kong Island and Islands), Civil Engineering and Development Department (PM(HKI&I), CEDD) commented that the subject premises fell within the study area of the Tung Chung Study jointly commissioned by CEDD and Planning Department (PlanD) in January 2012 for completion in 2014/2015. While he had no in-principle objection to the application, the approval, if given, should be on a short-term basis subject to review on further extension;
- (d) during the first 3 weeks of the statutory public inspection period, a public comment from a member of the public was received. The public comment objected to the application on grounds of noise nuisance and safety problem due to the late night operation, and the adverse environment impacts; and
- (e) PlanD's views – PlanD had no objection to the application on a temporary basis for a period of 2 years (instead of the 3 years sought) based on the assessments detailed in paragraph 11 of the Paper. To address the

concerns of PM(HKI&I), CEDD that the temporary eating place being located within the study area of the Tung Chung Study which was expected to complete in 2014/2015, an approval period of 2 years, instead of 3 years sought, could be granted to avoid frustrating the long-term planning intention of the “Open Space” zone and the Tung Chung Study. To address the public comments on potential noise nuisance and environment impact, relevant approval conditions on operation hours and sewer connection works were suggested.

23. Members had no question on the application.

#### Deliberation Session

24. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 8.11.2015, 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 pm to 11:00 am daily, as proposed by the applicant, is allowed on the Premises during the planning approval period;
- (b) the existing sewer connection and fire services installations implemented should be maintained at all times during the planning approval period; and
- (c) if any of the above planning conditions (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) prior planning permission should have been obtained before continuing the applied use at the Premises;
- (b) a temporary planning approval for 2 years up to 8.11.2015 is granted so as to ensure that the development will not conflict with the planning intention

for the “Open Space” zone;

- (c) to resolve any land issue relating to the development with other concerned owner(s) of the Premises;
- (d) to note the comments of the District Lands Officer, Islands, Lands Department that his office reserves the right to take enforcement actions against any unauthorized building works and irregularities of the lots arising from the proposed use;
- (e) to note the comments of the Director of Environmental Protection that the best practices as stipulated in Environmental Protection Department’s website should be implemented; and
- (f) to note the comments of the Chief Building Surveyor/New Territories East 1 & Licensing Unit, Buildings Department that all building works in connection with the proposed eating place should comply with the Buildings Ordinance and if the proposed use under application is subject to the issue of a licence, any existing structures on the Premises intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the Licensing Authority.”

[Ms Christina M. Lee returned to join the meeting at this point.]

### **Agenda Item 6**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/133                          Proposed Utility Installation for Private Project (Underground  
Storm-water Pipe (about 33.4m long)) with Excavation of Land and  
Filling of Land in “Coastal Protection Area” Zone, Government Land  
adjoining 33-34 San Shek Wan Village, Lantau Island  
(RNTPC Paper No. A/SLC/133)

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### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed utility installation for private project (underground storm-water pipe (about 33.4m long) with excavation of land and filling of land);
- (c) departmental comments – concerned departments had no objection to or adverse comment on the application as detailed in paragraph 8 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, 4 public comments were received from Designing Hong Kong Limited, The Hong Kong Bird Watching Society, Kadoorie Farm & Botanic Garden Corporation and World Wide Fund for Nature Hong Kong. The commenters objected to the application mainly on the grounds of non-compliance with the planning intention of the “Coastal Protection Area” zone; the approval of the application would set an undesirable precedent for similar applications in the area; and adverse landscape, environmental and ecological impacts. A commenter was concerned whether the application was a “Destroy First, Build Later” case; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. Regarding the public comments against the application, it was considered that the proposed development was necessary to support an approved residential development. There was also improvement in the current proposal as compared to the previous scheme (application No. A/SLC/111) that a smaller area (reduced by 9m<sup>2</sup>) and smaller number of manholes

would be required. This would minimise the extent of excavation and number of existing vegetation to be affected. Relevant government departments had no adverse comment on the application. There was also no evidence to establish that the proposed development was a “Destroy First, Build Later” case.

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 8.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

“the submission and implementation of a landscape proposal for landscape reinstatement works to the satisfaction of the Director of Planning 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/Islands (DLO/Is), Lands Department that the applicant had submitted an application for Short Term Tenancy (STT) for the underground drains in accordance with the previous approved scheme (CX2072) which are pending the applicant’s detailed design for consideration. If the subject planning application is approved by the TPB, the applicant needs to revise the STT application in accordance with the approved building plan and planning scheme for DLO/Is’ re-consideration;
- “(b) to note the comments of Chief Town Planner/Urban Design and Landscape, Planning Department that a blow-up plan to clearly show the extent of the proposed alignment as well as the excavation works area and landscape reinstatement area arising from the proposed development should be provided; and

- (c) to note the comments of the Chief Engineer/Hong Kong & Island, Drainage Services Department that comments from the Director of Environmental Protection and Director of Agriculture, Fisheries and Conservation should be sought for connecting the proposed discharge to the natural stream and the proposed drains should be maintained by the developer.”

## **Agenda Item 7**

### **Section 16 Application**

[Open Meeting]

A/SK-CWBN/30      Proposed House and the associated Excavation of Land (1m deep) in “Green Belt” and “Road” zones, Lots No. 330, 331 RP, 332 S.B and 333 S.B in D.D. 225, Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/30)

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30.      The Secretary said that the applicants requested on 25.10.2013 for deferment of the consideration of the application for two months in order to allow time for the preparation of submission of further information to address the comments raised by concerned government departments. This was the first time that the applicant requested for deferment of the application.

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

## **Agenda Items 8 and 9**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/43      Proposed Utility Installation for Private Project (Septic Tank and Soakaway Pit) with the associated Excavation of Land (maximum 4.655m deep) in “Conservation Area” Zone, Government Land in D.D.  
267, Wong Mo Ying, Sai Kung  
(RNTPC Paper No. A/SK-TMT/43 and 44)

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A/SK-TMT/44      Proposed Utility Installation for Private Project (Septic Tank and Soakaway Pit) with the associated Excavation of Land (maximum 4.655m deep) in “Conservation Area” Zone, Government Land in D.D.  
267, Wong Mo Ying, Sai Kung  
(RNTPC Paper No. A/SK-TMT/43 and 44)

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### **Presentation and Question Sessions**

32.      The Committee noted that the two applications were similar in nature and the application sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

33.      With the aid of a visualizer, Mrs Alice K.F. Mak, STP/SKIs, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the applications;
- (b) the proposed utility Installation for private project (septic tank and soakaway pit) with the associated excavation of land (maximum 4.655m deep) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Papers and highlighted below:
  - (i) the Director of Environmental Protection (DEP) objected to the

- applications as the proposed septic tanks and soakaway were located within the water gathering grounds (WGGs);
- (ii) the Director of Water Supplies objected to the applications as the proposed developments would likely increase the pollution risks to the water quality within the WGGs;
- (iii) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), Planning Department objected to the applications mainly on grounds that the proposed utility developments were not in line with the planning intention of the “Conservation Area” (“CA”) zone which was to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purpose and to separate sensitive natural environment such as country park from any adverse impacts of urban development, and there was a general presumption against development. The proposed developments, including the excavation works, were incompatible with the existing landscape character of the area which were currently entirely undeveloped and natural hillside woodland. Besides, significant adverse impacts on the existing landscape resources within the application sites and their surrounding environment were expected. The proposed developments would set an undesirable precedent to attract similar piece-meal encroachment into the “CA” zone. The cumulative effect of approving similar applications would result in a general degradation of the environment and landscape character of the area;
- (iv) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the proposed developments might require tree felling and vegetation clearance in the “CA” zone.
- (d) during the first three weeks of the statutory public inspection, three public comments objecting to Application No. A/SK-TMT/43 and four public comments objecting to Application No. A/SK-TMT/44 were received.

World Wildlife Fund (WWF) Hong Kong, Designing Hong Kong Limited (DHKL) and Kadoorie Farm and Botanic Garden Corporation (KFBGC) objected to both applications mainly on the grounds that the proposed developments were not in line with the planning intention of the “CA” zone; the proposed developments would require pruning/felling of trees; the lack of assessment on ecological and water quality impacts; and the undesirable precedent effect of approving the applications. A member of the public objected to Application No. A/SK-TMT/44 on grounds that the proposed development was not in line with the planning intention of the “CA” zone; it would have ecological impacts on the “CA” zone; and the proposed works had no relevance to nature conservation. The commenter also urged stepping up the monitoring and enforcement actions against unauthorized damaging actions on the environment; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Papers and were summarised below:
  - (i) the proposed developments were not in line with the planning intention of the “CA” zone which was primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There was a general presumption against development within this zone. In general, only developments that were required to support the conservation of the existing natural landscape or scenic quality of the area or the developments were an essential infrastructure projects with overriding public interest might be permitted. CTP/UD&L objected to the applications as significant adverse impacts on the existing landscape resources within the application sites and their surrounding environment were expected;
  - (ii) the application sites were located in midst of a dense natural hillside

woodland. The proposed developments would affect the existing trees. However, the applicants did not state whether any trees would need to be pruned/felled to make way to/facilitate the excavation/construction works. In this regard, DAFC had reservation on the applications unless there was no other suitable alternative sites, and required the applicants to clarify the extent of vegetation clearance required for the proposed works so that any adverse impacts on the “CA” zone could be properly addressed;

- (iii) the Director of Water Supplies considered that the proposed developments would likely increase the pollution risks to the water quality within the WGGs and objected to the applications. DEP also objected to the applications from the potable water supply standpoint, and considered that the sewage of the relating proposed Small House developments should be properly treated to the required standards stipulated in the Water Pollution Control Ordinance Technical Memorandum before discharge into the WGG catchment to prevent contamination of waters. The applicants failed to demonstrate that the proposed developments would not have adverse impact on the water quality within the WGGs;
  - (iv) there was no similar application within the “CA” zones of the Tai Mong Tsai and Tsam Chuk Wan OZP. Approval of the applications would set an undesirable precedent for other similar applications within the “CA” zone. The cumulative effect of approving such applications would result in a general degradation of the environment and bring about cumulative adverse landscape impacts on the area and water quality impacts on the territory’s potable water supply; and
  - (v) there were adverse public comments on the applications on the grounds highlighted above.
34. In response to the Chairman’s enquiry on the current arrangements of sewage

treatments for Wong Mo Ying Village, Mrs Alice K.F. Mak, STP/SKIs, said that the existing village houses in the village were developed before the practice note on sewage treatments issued by the Environmental Protection Department in early 1993 and therefore the provision of sewage treatment facilities for these houses was not subject to the control of the practice note.

### Deliberation Session

35. In response to Ms Anita K.F. Lam, Assistant Director (New Territories), LandsD's enquiry on the approval time of the two relating proposed Small Houses and the size of the Small Houses, Mrs Alice K.F. Mak, STP/SKIs, said that the Lands Department granted approvals to the two Small House developments at the application sites in 1980 and that in general the Small Houses would be 65.03 m<sup>2</sup> in size. In response to Ms Lam's further enquiry on whether alternative sites should be identified for the proposed sewage treatment facility associated with the two approved Small Houses, a Member remarked that even if an alternative site was required for the proposed sewage treatment facility, it should be located outside the "CA" zone.

36. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons for rejecting each of the applications were :

- "(a) the proposed development is not in line with the planning intention of the "Conservation Area" ("CA") zone which is primarily to protect and retain the existing natural landscape, ecological or topographical features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as country park from the adverse effects of development. There is a general presumption against development within this zone. The proposed development is neither required to support the conservation of the existing natural landscape or scenic quality of the area, nor essential infrastructure projects with overriding public interest;
- (b) the application site falls within upper indirect water gathering grounds

(WGGs) and there is no public sewerage connection available in the vicinity. The proposed development will likely increase the pollution risks to the water quality within the WGGs. The applicant fails to demonstrate that the proposed developments will not have adverse impact on the water quality within the WGGs;

- (c) the application site is located in a hillside woodland of high landscape value, and the proposed development will generate significant adverse impacts on the existing landscape resources within the application site and its surrounding environment. The applicant fails to demonstrate that the proposed development will not have adverse landscape impact on the application sites and its surroundings; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the “CA” zone. The cumulative effect of approving such application will result in a general degradation of the environment and bring about cumulative adverse landscape impacts on the area and water quality impacts on the territory’s potable water supply.”

[The Chairman thanked Mr Ivan M.K. Chung, DPO/SKIs, and Mrs Margaret W.F. Lam and Mrs Alice K.F. Mak, STPs/SKIs, for their attendance to answer Members’ enquires. They left the meeting at this point.]

37. The meeting was adjourned for short break of five minutes.

[Mr Anthony K.O. Luk, Mr Otto K.C. Chan, and Mr C.T. Lau, Senior Town Planners/Sha Tin, Tai Po and North (STPs/STN) were invited to the meeting at this point.]

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

## **Agenda Item 10**

[Open Meeting]

Proposed Amendments to the

Approved Sha Tin Outline Zoning Plan No. S/ST/28

(RNTPC Paper No. 12/13)

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38. With the aid of a PowerPoint presentation, Mr Anthony K.O. Luk, STP/STN, briefed Members on the proposed amendments to the approved Sha Tin Outline Zoning Plan (OZP) as detailed in the Paper and covered the following main points:

### **Proposal**

- (a) proposed to rezone a piece of government land of about 4.39 hectares along the water course branching off from Shing Mun River, together with Shek Mun Estate in Shek Mun, Sha Tin from “Residential (Group A)” (“R(A)”) (about 0.37 hectare) and “Open Space” (“O”) (about 4.02 hectares) on the approved Sha Tin OZP No. S/ST/28 to “Residential (Group A)4” (“R(A)”4) for public rental housing (PRH) development;
- (b) there were 2 existing PRH blocks at the site zoned “R(A)”. The portion currently zoned “O” was being used as works area and a football pitch used by nearby schools under a Short Term Tenancy. There was no programme for development of this area for open space. According to the Hong Kong Planning Standards and Guidelines, there was sufficient open space provision in Sha Tin. The area was suitable for PRH development as an extension of Shek Mun Estate. To facilitate the proposed PRH development and better connection with the existing Shek Mun Estate, a section of On Muk Street would be closed; and
- (c) the Phase 1 extension of Shek Mun Estate comprising two PRH blocks at the portion zoned “R(A)” had already been completed. The proposed rezoning of the portion currently zoned “O” would be the Phase 2 extension. They would produce a total of about 4,968 flats (including about 3,010 flats

in the Phase 2 extension), total domestic gross floor area (GFA) of 234,000m<sup>2</sup> and total non-domestic GFA of about 19,500m<sup>2</sup>. The average flat size of the proposed PRH development was 47m<sup>2</sup>. It was expected that the Shek Mun Estate extension project would accommodate about 14,310 persons, including about 9,210 persons in the Phase 2 extension. The proposed building height of the Phase 2 extension would be between 110 mPD and 140 mPD (i.e. 33 to 47 storeys) with a stepped height design;

- (d) retail facilities including a wet market, and social welfare facilities, including a nursery class and kindergarten, a social security field unit, a residential care home for the elderly, a supported hostel for mentally handicapped persons and a child care centre would be provided in the Phase 2 extension;
- (e) a 20m wide promenade along the riverside would be retained in the “O” zone which would not form part of the proposed zoning amendments.

#### Proposed Amendments to the Notes of the OZP

- (f) the proposed “R(A)4” zone would be subject to a maximum total domestic GFA of 234,000m<sup>2</sup>, a maximum non-domestic GFA of 19,500m<sup>2</sup> and a maximum building height of 140mPD;
- (g) a minor relaxation clause of the GFA and building height restrictions would be incorporated in the Notes for the “R(A)4” zone;

#### Technical Assessments and Consultation

- (h) the Housing Department (HD) had already carried out various technical assessments including Environmental Assessment, Traffic Impact Assessment, Visual Impact Assessment and Air Ventilation Assessment (AVA). To reflect the minor changes in layout and disposition of the proposed PRH development, HD would further refine the results of the AVA at detailed design stage. Relevant government departments had no

objection to or no adverse comments on the technical assessments; and

- (i) the Sha Tin District Council (STDC) was consulted on the proposed Shek Mun Phase 2 extension on 31.10.2013. STDC generally accepted the proposed PRH development but requested the Government to enhance ancillary transport facilities, recreational facilities and open space to meet the demand of the additional population.

39. A Member raised a concern that the proposed PRH development would leave only a 20m wide promenade along the riverside at that location and asked whether there would be a development option which would provide a wider distance between the proposed development and the river. Mr C.K. Soh, DPO/STN, explained that HD would adopt a single-storey podium design in the PRH development to maintain openness at pedestrian level. In response to a Member's query on whether the proposed rezoning would defeat the original planning intention of having open space along both sides of the river, Mr Soh explained that there was sufficient open space in the area to serve the planned population and a 20m wide promenade would still be maintained.

40. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Sha Tin Outline Zoning Plan (OZP) No. S/ST/28 as mentioned in paragraph 4 of the Paper;
- (b) agree that the amendment Plan No. S/ST/28A at Annex B (to be renumbered to S/ST/29 upon gazetting) and its Notes at Annex C of the Paper were suitable for exhibition for public inspection under section 5 of the Town Planning Ordinance;
- (c) adopt the revised Explanatory Statement (ES) at Annex D of the Paper as an expression of the planning intentions and objectives of the Town Planning Board for various land use zones on the draft Sha Tin OZP; and
- (d) agree that the revised ES at Annex D of the Paper was suitable for exhibition for public inspection together with the draft OZP No. S/ST/28A

(to be renumbered to S/ST/29 upon gazetting).

## **Agenda Item 11**

### Section 12A Application

[Open Meeting]

Y/NE-LT/1	Application for Amendment to the Approved Lam Tsuen Outline Zoning Plan No. S/NE-LT/11, to rezone the Application Site from “Agriculture” to “Other Specified Uses” annotated “Comprehensive Development including an Ecological Enhancement Area”, Various Lots and Adjoining Government Land in D.D. 19, Lam Tsuen, Tai Po (RNTPC Paper No. Y/NE-LT/1A)
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41. The Secretary reported that Mr Ivan C.F. Fu had declared an interest in the item as he had current business dealings with Masterplan Ltd, Environ Hong Kong Ltd and MVA (Hong Kong) Ltd., the consultants of the application. As the applicants had requested for deferment of consideration of the application, Members agreed that Mr Fu should be allowed to stay at the meeting.

42. The Secretary further reported that the application had been deferred once. The applicants requested on 24.10.2013 for further deferment of the consideration of the application for two months in order to allow time for the applicants to prepare responses to address the concerns of relevant government departments on the application.

43. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants that two months, in addition to the two months previously granted, 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 12**

### Section 16 Application

[Open Meeting]

A/NE-TKL/445      Temporary Container Vehicle Park for a Period of 3 Years in “Open Storage” Zone, Lots 393RP, 394RP, 397 S.B RP(Part), 398 (Part) and 401 RP (Part) in D.D. 77, Lots 1206 RP (Part) and 1209 (Part) in D.D. 79, Ta Kwu Ling  

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(RNTPC Paper No. A/NE-TKL/445)

44.      The Secretary reported that the applicant requested on 18.10.2013 for deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address the concerns raised by the Transport Department. This was the first time the applicant requested for deferment of the application.

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

## **Agenda Items 13 and 14**

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/350      Proposed House (New Territories Exempted House - Small House) in “Agriculture” Zone, Lot 655 S.C in D.D. 100, Tsiu Keng Village, Sheung Shui  

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(RNTPC Paper No. A/NE-KTS/350)

A/NE-KTS/351      Proposed House (New Territories Exempted House - Small House) in  
                        "Agriculture" Zone, Lot 655 S.E in D.D. 100, Tsiu Keng Village,  
                        Sheung Shui  
                        (RNTPC Paper No. A/NE-KTS/351)

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Presentation and Question Sessions

46.      The Committee noted that the two applications were similar in nature and the application sites were located in close proximity to each other and within the same zone. The Committee agreed that the applications should be considered together.

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

- (a) background to the applications;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House) at each of the application sites;
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. They were summarised below:
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from the perspective of agricultural development as there were active agricultural activities in the vicinity of the application sites and the application sites were of high potential for agricultural rehabilitation. Approval of the applications might set an undesirable precedent for similar applications in the future and would further reduce the agricultural land in the area;
  - (ii) the Commissioner for Transport (C for T) had reservation on the applications and commented that such type of development should

be confined within the “Village Type Development” (“V”) zone as far as possible. Although the additional traffic generated by the proposed developments was not expected to be significant, such type of development outside the “V” zone, if permitted, would set undesirable precedents for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial; and

- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications from the landscape planning perspective as the application sites were situated in an area of rural landscape character dominated by farmland, tree groups and channelized stream. Approval of the proposed Small House applications may set undesirable precedents of spreading village development outside the “V” zone and would thus erode the rural landscape character where the application sites were located.
- (d) during the first three weeks of the statutory publication period, four public comments were received from a North District Council (NDC) member, an Indigenous Inhabitants Representative (IIR) of Tsiu Keng, Kadoorie Farm & Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited (DHKL). The NDC member and the IIR of Tsiu Keng Village supported the applications as they would bring convenience and benefits to villagers. KFBG and DHKL objected to the applications mainly on grounds that the proposed developments were incompatible with the rural environment where there were active farming activities; the application sites and their surrounding had high potential for rehabilitation of farmland; supply of farmland should be safeguarded; the applicants had not submitted any environmental, traffic, drainage and sewerage assessments to support the applications; sufficient infrastructure such as drainage, waterworks, street lighting, public spaces, footpaths, access and parking spaces was required to ensure health and well-being of current and future residents; concerned departments should review the current practice in relation to Small House Policy; issue of emergency vehicular access for village houses

as well as infrastructure and funding of roads and parking for meeting demand of existing houses; and approval of the applications would set undesirable precedents for similar applications;

- (e) the District Officer (North), Home Affairs Department had consulted the concerned locals regarding the applications. The Residents Representative of Tsiu Keng and 蕉徑老圍新合祖堂司理人 raised objection to the applications on grounds that the application sites fell within the “AGR” zone; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the applications for reasons detailed in paragraph 11 of the Papers. They were summarised below:
  - (i) the application sites fell entirely within the “Agriculture” (“AGR”) zone. The proposed developments were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the submissions for a departure from the planning intention;
  - (ii) the current applications were cross-village applications for Small House developments within the same Heung;
  - (iii) the applications had been assessed according to the Interim Criteria. The entire footprints of the proposed Small Houses fell within the ‘village environs’ (‘VE’) of Tsiu Keng Village and there was insufficient land within the “V” zone of the same village to meet the Small House demand. However, the proposed Small House developments were not in line with the Interim Criteria in that it would frustrate the planning intention of the “AGR” zone. Although the application sites were vacant and covered by wild

grass, they were part of a large piece of agricultural land to the north and north-west of Tsiu Keng Village. DAFC advised that the concerned agricultural land was generally under active cultivation. Although the application sites had been left fallow, they had high potential for agricultural rehabilitation. DAFC did not support the application from the perspective of agricultural development perspective. Approval of the subject Small House applications might set an undesirable precedent for similar applications in the future and would further reduce the agricultural land in the area;

- (iv) although there was insufficient land within the “V” zone to meet the outstanding and 10-year Small House demand (about 447 Small House sites in total, including 47 outstanding applications), there were still 3.17 hectares of land (about 126 Small House sites) within the “V” zone of Tsiu Keng Village for Small House development. It was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructure and services. In this regard, the application sites were located away from the village cluster of Tsiu Keng Lo Wai. C for T also considered that such type of Small House development should be confined within “V” zone as far as possible, and advised that the resulting cumulative adverse traffic impact could be substantial for permitting such type of Small House development outside the “V” zone. CTP/UD&L, PlanD had reservation on the applications and had similar view that approval of the applications might set undesirable precedents of spreading village development outside the “V” zone, eroding rural landscape character;
- (v) there were 20 applications for Small House developments within the same “AGR” zone approved with conditions by the Committee mainly on grounds that the proposed developments generally complied with the Interim Criteria and the application sites were mainly vacant or covered with grass at time of consideration of the

applications. Besides, these sites could be served by direct vehicular access. There were seven similar applications in the same “AGR” zone which were rejected by the Committee or by the Town Planning Board on review, mainly on grounds that the proposed Small House developments were not in line with the planning intention of the “AGR” zone in Kwu Tung South area; the application sites were under active cultivation and formed part of a larger piece of active agricultural land in Tsiu Keng; and they were further away from the main road. Amongst them, the application site of A/NE-KTS/348 was located to the immediate south of the current application sites. The nature and circumstances of the current applications were similar to those rejected applications as they formed part of a larger piece of active agricultural land to the north and north-west and were not served by direct vehicular access; and

(vi) there were local objections as conveyed by the District Office (North), Home Affairs Department and there were public comments against the applications mainly on grounds that the proposed developments were incompatible with rural environment; there were active farming activities in the vicinity of the application site; the application sites and their surroundings had high potential for rehabilitation of farmland; and infrastructure was required to ensure health and well-being of the current and future residents.

48. Members had no question on the applications.

#### Deliberation Session

49. After deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 12 of the Papers and considered that they were appropriate. The reasons of rejection for each of the applications were :

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

## **Agenda Item 15**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/486              Proposed 3 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” Zones, Lot 243 S.A, 243 S.B ss.1, 243 S.B RP, 243 S.C and 243 RP in D.D.8, Tai Mong Che, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/486)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the three proposed Houses (New Territories Exempted Houses (NTEHs) – Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix V of the Paper. The Chief Engineer/Development(2), Water Supplies Department commented that the application site fell within the water gathering grounds. However, in view of the advice of the Director of Drainage Services that public sewers were being planned in the vicinity of the application site and it was technically feasible for the applicants to extend the sewers to the proposed sewerage system, he had no objection to the application;
  - (d) during the first three weeks of the statutory publication period, a public comment from Designing Hong Kong Limited (DHKL) was received. DHKL objected to the application mainly on grounds that the application site fell within the “Agriculture” zone and there was a lack of proper sewerage system, parking spaces and other public facilities in the area; and
  - (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although the application site fell within the water gathering grounds, the Director of Drainage Services advised that public sewers were planned in the vicinity of the application site and it was technically feasible for the applicants to extend their sewers to the proposed sewerage system by themselves via other private lot/government land. As the proposed Small Houses would be able to be connected to the planned sewerage system, the Director of Environmental Protection and the Director of Water Supplies had no objection to the application. The concern on the lack of proper sewerage system raised in the public comment was addressed above. Regarding other concerns raised by the commenter, concerned government departments including the Environmental Protection Department, Drainage Services Department, Transport Department and Highways Department had no adverse comment on the application.
51. Members had no question on the application.

Deliberation Session

52. 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 8.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

53. 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 that:
  - (i) septic tank and soakaway pit system may be permitted to be used as an interim measure for foul effluent disposal before public sewers are available subject to the approval of the Director of Environmental Protection (DEP). Any such permitted septic tank and soakaway pit system shall be designed and maintained in accordance with the Environmental Protection Department’s ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system shall be located at a distance of not less than 30m from any

water course and shall be properly maintained and desludged at a regular frequency. All sludge thus generated shall be carried away and disposed of outside the water gathering grounds; and

- (ii) the proposed septic tank and soakaway system shall be within the site and within the “Village Type Development” (“V”) zone;
- (b) to note the comments of DEP that the proposed Small Houses shall be connected to the future public sewer when available. The sewerage connection point(s) shall be within the site and within “V” zone. Adequate land should be reserved for the sewerage connection works;
- (c) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
  - (i) public stormwater drain is not available for connection in the vicinity of the site. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicants at their own expense. The applicants/owners are required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
  - (ii) the village sewerage works in Tai Mong Che Village will be carried out under the DSD’s project 4332DS “Lam Tsuen Valley Sewerage – Stage 2”. The works of the project has started in 2012 for completion in end 2016 tentatively subject to land acquisition progress; and
  - (iii) public sewers will be laid to the locations near to the proposed development under DSD’s current project scheme. The applicants could extend their sewers to the nearest connection points of the proposed sewerage system by themselves via other private/

government land if they would like to discharge their sewage into the planned public sewerage system subject to the site situation. However the above information is preliminary and will be subject to revision to suit the actual site condition;

- (d) to note the comments of the Director of Fire Services that the applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicants shall carry out the following measures:
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;
  - (ii) prior to establishing any structure within the application site, the applicants and/or their contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and
  - (iii) the ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and their contractors

when carrying out works in the vicinity of the electricity supply lines;

- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants are reminded to make necessary submissions to the LandsD to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons, Registered Structural Engineers and Registered Geotechnical Engineers APP-56. If such exemption is not granted, the applicants shall submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance; and
- (g) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

## **Agenda Item 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/474      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” Zone, Lots 672 S.H, 673 R.P. and 674 S.A in D.D. 15  
and Adjoining Government Land, Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/474)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed Small House (New Territories Exempted House (NTEH – Small House));
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Water Supplies commented that the application site fell within the lower indirect water gathering grounds. However, in view of the advice of the Director of Drainage Services that public sewers were being planned in the vicinity of the application site and it was technically feasible for the applicant to extend the sewers to the proposed sewerage system, he had no objection to the application;
- (d) during the first three weeks of the statutory publication period, two public comments from Designing Hong Kong Limited, and the Kadoorie Farm and Botanic Garden Corporation were received. The commenters objected to the application mainly for the reasons that the proposed development was not in line with the planning intention of “Agriculture” zone and approval of the application would cause cumulative adverse impacts on the access road, drainage, public sewerage and parking facilities in the area and adverse implication on food production; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Although the application site fell within the lower indirect water gathering ground, the Director of Environmental Protection advised that the proposed Small House was located just 5m away from the planned trunk sewer and the applicant had obtained consents from the concerned lot owners to lay the sewer across their lots to make connection to the planned public sewer. In this regard, the Director of Environmental Protection and the Director of Water Supplies had no objection to the application. Relevant approval conditions and advisory clauses were recommended should the application

be approved by the Committee. Although the Director of Agriculture, Fisheries and Conservation did not support the application from agricultural point of view, it was considered that application site was a piece of abandoned agricultural land covered with weeds. Significant adverse impact on existing landscape resources within the application site was not anticipated. The Chief Town Planner/Urban Design and Landscape, Planning Department had no objection to the application. Regarding the public comments against the application, relevant government departments including the Environmental Protection Department, Water Supplies Department and Drainage Services Department had no objection to or no adverse comment on the application and relevant approval conditions and advisory clauses were recommended. As for the traffic concern raised by the commenters, the Commissioner for Transport advised that the application can be tolerated.

55. Members had no question on the application.

#### Deliberation Session

56. 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 8.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and

- (d) the provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Director of Environmental Protection that the construction of the proposed Small House shall not be commenced before the completion of the public sewerage system. Upon completion of the sewer, the applicant should connect the proposed Small House to the public sewerage system at his own cost;
- (b) the applicant is required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there is no public drain maintained by DSD in the vicinity of the site. The applicant/owner is also required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There is no existing public sewerage in the vicinity of the site currently. Nevertheless, sewerage connection may be available near the site when the proposed village sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” is completed in 2014. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the

development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

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

### **Agenda Item 17**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/475      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lot 1738 S.A  
RP in D.D.17, Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/475)

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – concerned government departments had no objection to or no comment on the application as detailed in paragraph 9 and Appendix V of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments from Lung Mei Tsuen Rural Committee, Designing Hong Kong Limited (DHKL) and the Kadoorie Farm & Botanic Garden Corporation were received. The commenters objected to the application mainly for the reasons that the proposed development was not in line with the planning intention of “Agriculture” zone and the approval of the application would result in chaotic Small House development, damage the natural environment and affect maximum land utilization for Small House developments in the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the three public comments against the proposed development, the concerned government departments including the Agriculture, Fisheries and Conservation Department, the Transport Department, the Drainage Services Department had no adverse comment on the application. Some of the concerns of the commenters could be addressed through imposition of relevant approval conditions and advisory clauses to minimise the potential adverse impacts on the surrounding area.

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 8.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) the applicant is required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- (b) to note the comments of the Director of Environmental Protection to connect the proposed Small House to the public sewer at the applicant’s own cost;
- (c) to note the comments of the Director of Drainage Services that there is no public drain in the vicinity of the Site. The applicant/owner is required to maintain the drainage systems properly and rectify the drainage system if it is found to be inadequate or ineffective during operation. The applicant/owner shall be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection for provision of water supply to the proposed development and

shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Ting Kok Road to the site is not maintained by HyD;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated during land grant stage; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/476              Proposed House (New Territories Exempted House - Small House) in  
                                “Green Belt” Zone, Lot 391 S.A in D.D. 28, Lung Mei, Tai Po  
                                (RNTPC Paper No. A/NE-TK/476)

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

62.              Mr C.T. Lau, STP/STN, presented the application and covered the following

aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comment on the application as detailed in paragraph 10 and Appendix V of the Paper;
- (d) during the first three weeks of the statutory publication period, four public comments from Lung Mei Tsuen Rural Committee, Designing Hong Kong Limited (DHKL), the Kadoorie Farm & Botanic Garden Corporation and a member of the public were received. The commenters objected to the application mainly for the reasons that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and did not comply with the Town Planning Board Guidelines No. 10; approval of the application would set an undesirable precedent for similar applications and the potential cumulative impacts of these development would affect the nearby wildlife and the natural habitats ecologically linked to the Pat Sin Leng Country Park and cause cumulative adverse impacts on the access road, public sewerage and parking facilities in the area; approval of individual application would result in chaotic Small House development, damage the natural environment and affect maximum land utilization for Small House developments in the area; and approval of the application in the “GB” zone would sacrifice public interest to the applicant/developer; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. Regarding the concerns on the environmental, car parking and sewerage aspects raised in the public comments, the concerned government departments had no adverse comment on the application. The concerns of

the commenter could be addressed through imposition of relevant approval conditions to minimize the potential adverse impacts on the surrounding area.

63. Members had no question on the application.

#### Deliberation Session

64. 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 8.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) the applicant is required to register, before execution of Small House grant documents, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lot(s) concerned in the Land Registry against all affected lot(s);
- “(b) to note the comments of the Director of Environmental Protection to connect the proposed Small House to the public sewer at the applicant’s own cost;
- “(c) to note the comments of the Director of Drainage Services that there is no public drain in the vicinity of the site. The applicant/owner is required to maintain the drainage systems properly and rectify the drainage system if it

is found to be inadequate or ineffective during operation. The applicant/owner shall be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;

- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection for provision of water supply to the proposed development and shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. The water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Ting Kok Road to the site is not maintained by HyD;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department. Detailed fire safety requirements will be formulated during land grant stage; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/816            Columbarium with Ancillary Storage in “Government, Institution or Community” Zone, Government Land adjoining Chi Ha Yuen, No. 186  
Pai Tau Village, To Fung Shan, Sha Tin  
(RNTPC Paper No. A/ST/816)

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### **Presentation and Question Sessions**

66.            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 columbarium use with ancillary storage;
- (c) departmental comments – departmental comments were set out in paragraph 8 and Appendix IIIa to IIIc of the Paper. The Commissioner for Transport (C for T) did not support the application on grounds that the applicant had not provided sufficient information to support their application. In particular, he could not verify the applicant’s claim that the columbarium under application would have insignificant traffic impact. He had doubt on the effectiveness of the traffic mitigation measures proposed by the applicant, and the additional number of visitors to be generated by the columbarium under application would impose additional loadings to the current special traffic arrangement in the area during special festival periods. The applicant had not provided detailed traffic data and justification to address the cumulative effect on pedestrian flows and during festival days. The applicant was required to provide more information on how to assure that there would be adequate car parking spaces, loading/unloading facilities near the application site for operational need during normal days and special festival days. The feasibility of the traffic

improvement measures such as widening of the pedestrian ramp and provision of additional footpath with ramps along Pau Tau Street, as proposed by the applicant, had not been proven ;

- (d) during the first three weeks of the statutory publication period, 73 public comments, including 36 objecting and 37 supporting the application, were received. The main grounds of objection to the application were there was limited road capacity to accommodate the traffic generated by the existing and proposed columbarium use in the vicinity in particular the Ching Ming and Chung Yuen periods; the large number of pedestrian flow and burning of joss sticks and papers would cause environmental pollution and poor air quality; the increasing number of columbaria in the Pai Tau area would have uncomfortable psychological impacts on nearby villagers and; there was a lack of vehicular access and emergency vehicular access in the area. There were safety concerns on the narrow footpath which was unable to accommodate too many pedestrians. There were also concerns on the shortage of car parking spaces and adverse cumulative impacts on traffic, environmental degradation, natural landscaping and visual, hygienic and “fung-shui” aspects. The subject columbarium had been in illegal operation for years and the approval of the application would set an undesirable precedent. The main grounds of supporting the application were Chi Ha Yuen was a non-profit making religious institution established since the early 20<sup>th</sup> century and had been involved in charity work with good will. The location itself was surrounded by vegetation and slopes and religious institutions would not cause nuisance to the residential neighbourhood. The small scale of columbarium urns and number of visitors would unlikely have adverse impact on the surrounding areas. Chi Ha Yuen had agreed to the total prohibition of burning of ritual papers and joss sticks so as to pay effort in environmental protection. During the statutory publication periods of subsequent further information submitted by the applicant, a total of 10 public comments objecting to the application were received. The grounds of objection were similar to those stated above; and

(e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 10 of the Paper. The application site was not connected with vehicular access. Access to the site was made through a 2 to 3m wide footpath leading from the Pai Tau village cluster downhill with a walking distance of about 1km. C for T opined that the proposed development, if permitted, might impose cumulative traffic impacts on nearby road networks and the additional visitors would impose additional loadings to the current special traffic arrangement in the area during special festival periods. He also considered that the traffic impact assessment and response to comments submitted by the applicant had failed to address his concerns.

67. Members had no question on the application.

#### Deliberation Session

68. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 11 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the traffic impact assessment submitted by the applicant has failed to demonstrate that the columbarium would have no adverse pedestrian and vehicular traffic impact on the surrounding areas; and
- (b) the approval of the application would set an undesirable precedent for similar applications for the development of Columbarium use. The cumulative impact of approving such similar applications would lead to proliferation of Columbarium use and a general degradation of the traffic conditions of the area.”

## **Agenda Item 20**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/829              Proposed Temporary Shop and Services (Fast Food Shop) for a Period of 5 Years in “Industrial” Zone, Part of Portion B of Workshop B1, LG/F., Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin

(RNTPC Paper No. A/ST/829)

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[Mr F.C. Chan left the meeting at this point.]

### **Presentation and Question Sessions**

69.              A replacement page 11 of the Paper had been sent to Members and was tabled at the meeting. 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 temporary shop and services (fast food shop) for a period of 5 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no comment on the application;
- (d) during the first three weeks of the statutory publication period, a public comment supporting the application was received. The commenter supported the application as there were many vacant premises on Ground Floor due to industrial restructuring. The application was beneficial to the owner without affecting the interests of the public; 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 made in paragraph 11 of the Paper. To avoid jeopardising 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, a temporary approval of 3 years, instead of 5 years as applied, was recommended.

70. Members had no question on the application.

#### Deliberation Session

71. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of the fire safety measures within three months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2014;
- (b) the implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2014; and
- (c) if any of the above planning conditions (a) or (b) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Sha Tin, Lands Department for a temporary waiver to permit the applied use;

- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected. Building safety requirements will be formulated upon receipt of food premises licence application, where appropriate;
- (d) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans, and the proposed “fast food shop” should only be licensed as “food factory” or “factory canteen”. Regarding matters related to fire resisting construction of the subject premises, the applicant shall comply with the ‘Code of Practice for Fire Resisting Construction’ which is administered by the Buildings Department; and
- (e) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

## **Agenda Item 21**

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/830              Shop and Services (Retail and Repair for Electronic Appliances and Computer Products) in “Industrial” Zone, Workshop D1, on G/F., Universal Industrial Centre, Nos. 19-25 Shan Mei Street, Fo Tan, Shatin

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(RNTPC Paper No. A/ST/830)

Presentation and Question Sessions

73. 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 and repair shop for electronic appliances and computer products);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no comment 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; 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 made in paragraph 11 of the Paper. To avoid jeopardising 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, a temporary approval of 3 years was recommended.

74. Members had no question on the application.

Deliberation Session

75. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures within six months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2014; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardized;
- (c) to apply to the District Lands Officer/Sha Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected;
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available; and

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

[The Chairman thanked Mr Otto K.C. Chan, Mr C.T. Lau and Mr Anthony K.O. Luk, STP/STN, for their attendance to answer Members’ enquires. Mr Otto K.C. Chan, Mr C.T. Lau and Mr Anthony K.O. Luk left the meeting at this point.]

### **Tuen Mun and Yuen Long District**

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

#### **Agenda Item 22**

##### Section 12A Application

[Open Meeting]

Y/YL-KTS/1      Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, to Rezone the Application Site from “Other Specified Uses” annotated “Petrol Filling Station” and “Residential (Group C) 1” to “Commercial”, Lots 1480 S.B, 1484 S.B ss.1 RP, 1488 S.B RP and 1489 S.C in D.D.106 and Adjoining Government Land, Kam Sheung Road, Pat Heung, Yuen Long  
(RNTPC Paper No. Y/YL-KTS/1)

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77.      The Secretary reported that the applicant requested on 24.10.2013 for deferment of the consideration of the application for two months in order to allow time for the applicants to prepare for further information to address the concerns raised by concerned government departments. This was the first time the applicant requested for deferment of

the application.

78. 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 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/420              Proposed Eating Place (Outside Seating Accommodation for a Restaurant) in “Residential (Group B) 2” Zone, Lot 4315 (Part) in D.D. 124, Hung Shui Kiu Main Street, Yuen Long  
(RNTPC Paper No. A/YL-PS/420)

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

79. 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 eating place (outside seating accommodation for a restaurant);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments from members of the public objecting to the application on traffic, pedestrian safety and environmental grounds were received; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the public comments objecting to the application, the outside seating area under application fell entirely within a private lot and was ancillary to the licensed restaurant. It would neither encroach upon the adjoining pedestrian pavement nor affect the pedestrian circulation. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development would be subject to enforcement action by the Planning Authority. The proposed development would also need to comply with all the relevant environmental hygiene requirements for application of a licence as required by the Director of Food and Environmental Hygiene.

80. Members had no question on the application.

#### Deliberation Session

81. 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 8.11.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) no operation between 9:00 p.m. and 8:00 a.m. on Mondays to Saturdays and between 7:00p.m. and 10:00a.m. on Sundays, as proposed by the applicant, is allowed on the application site;
- (b) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and

- (c) if planning condition (a) is not complied with, the approval hereby given will cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the applicant is required to provide documentary proof (i.e. Tenancy Agreement) showing the legal right to use the Outside Seating Accommodation (OSA) area and the property owner’s agreement in writing for setting up an OSA; to observe the guideline ‘A Guide to Application for OSA’ from Food and Environmental Hygiene Department who is the processing department; and there is no right of vehicular access to the subject lot. The concerned lot owners need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such applications will be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such applications will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note the comments of the Commissioner of Transport that the existing 1.6m wide footpath adjoining to the site should be maintained;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided at the site access to prevent surface water running from the site to nearby public roads/drains. The applicant shall at his own cost and to the satisfaction of HyD make good of any damage to the public carriageway, footpaths and other street furniture arising from his works;

- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own discharge facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact on the adjacent areas and existing drainage facilities.
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works are to be carried out on the site, the prior approval and consent of the Buildings Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the proposed use under application is subject to the issue of a licence, the applicant should be reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority;
- (g) to note the comments of the Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans or referral from licensing authority; and
- (h) to note the comments of the Director of Food and Environmental Hygiene (DFEH) that any food business carrying out on thereat should be granted with a licence issued by the DFEH and the applicant should prevent creating environmental nuisance affecting the public.”

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting]

A/YL-PS/421      Proposed Temporary Newspaper Recycling and Classification  
Workshop for a Period of 3 Years in “Green Belt” Zone, Lots 922, 923,  
925, 926, 928 and 929 in D.D. 122 and Adjoining Government Land,  
Wing Ning Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/421)

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83.      The Secretary reported that the application might involve unauthorised vegetation clearance or tree felling and site formation works prior to the application. Such practices contravened the approaches announced by the Town Planning Board in July 2011 to deter “Destroy First, Build Later” activities. In order to allow more time for the Planning Department to carry out investigation work, it was recommended that a decision on the application be deferred to ascertain whether any unauthorised clearance of vegetation and site formation works were involved that might constitute an abuse of the planning application process. In this regard, Planning Department requested that the application be deferred for two months pending the investigation of the suspected unauthorised vegetation clearance, land filling and excavation works on the site.

84.      After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department. The Committee agreed that the application should be submitted for its consideration within two months pending the investigation of the suspected unauthorised works on the site.

[Mr Lincoln L.H. Huang left the meeting at this point.]

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYY/264      Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 2995 RP in D.D. 124 and Adjoining Government Land, Chung Uk Tsuen, Lam Tei, Tuen Mun

(RNTPC Paper No. A/TM-LTYY/264)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, two public comments from the indigenous inhabitant representatives of Chung Uk Tsuen supporting the application were received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary shop and services (real estate agency) could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper.

86.      Members had no question on the application.

Deliberation Session

87. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no vehicular access to the site, as proposed by the applicant, during the planning approval period;
- (c) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.5.2014;
- (d) in relation to (c) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.8.2014;
- (e) the submission of 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 8.5.2014;
- (f) in relation to (e) above, the implementation of 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 8.8.2014;
- (g) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2014;
- (h) in relation to (g) above, the implementation of landscape proposal within

9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2014;

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

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

- “(a) the planning permission is given to the structure under application. It does not condone any other structure which currently occurs on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structure not covered by the permission;
- (b) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the lot under application is an Old Scheduled Agricultural Lot held under the Block Government Lease. If planning approval is given, the owner of the lot will need to apply to his Office for Short Term Waiver (STW) and a Short Term Tenancy (STT) for erection of the proposed structure. The STW and STT proposals will only be considered upon his receipt of formal applications from the owner of the lot. There is no guarantee that the applications, if received by his Office, will be approved and he reserves his comment on such. The applications will be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the applications are approved, they would be

subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fee/rent, deposit and administrative fees. His Office has no record of the maintenance party for the existing 375mm surface U-channel and public catchpit on adjoining Government land outside the site. Therefore, no drainage works should be carried out on Government land without his prior approval/consent. In considering granting such approval/consent to the drainage works on Government land, his Office will rest upon whether the drainage proposal has been accepted by Drainage Services Department and whether the STW/STT applications have been submitted to his Office for approval. However, he reserves his comment on such;

- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD (not being a New Territories Exempted House) they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person should be appointed as the co-coordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicle access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (d) to follow the latest revised Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (e) to note the comments of the Director of Environmental Protection that the site is within an area where no public sewer is available, the applicant is reminded that all wastewaters from the site shall be properly collected, treated and disposed of in compliance with the requirements under the Water Pollution Control Ordinance;
- (f) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. The applicant is advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI as prescribed in the above, the applicant is required to provide justifications to the Fire Services Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for requisition of cable plans/overhead line alignment drawings to find out whether there is any underground electricity cable and/or overhead electricity line within or in the vicinity of the site. For sites within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractors shall liaise

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

## **Agenda Item 26**

### Section 16 Application

[Open Meeting]

A/YL-ST/440      Temporary Cross-Boundary Traffic Service Station (including Public Car Park, Container Freight Station, Container Storage, Container Tractor/Trailer Park, Office) with Ancillary Services (including Handling In and Out of Container Freight, Arrival and Departure of Goods Vehicles) and Ancillary Staff Canteen for a Period of 3 Years in “Other Specified Uses” annotated “Service Stations” Zone, Lots 372 S.D RP (Part), 661 S.C RP, 669 RP, 674 RP (Part), 733 RP (Part), 737 RP, 738 RP, 741 (Part), 742 RP (Part), 743 RP (Part), 744 RP (Part), and 774 RP (Part) in D.D. 99 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/440)

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89.      The Secretary reported that the applicant’s representative requested on 17.10.2013 for deferment of the consideration of the application for one month in order to allow time for the applicant to prepare for further information to respond to the comments of concerned government departments. This was the first time that the applicant requested for deferment of the application.

90.      After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/867      Temporary Public Car Park for a Period of 3 Years in “Comprehensive Development Area” Zone, Lot 826 S.B RP (Part) in D.D. 125 and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/867)

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

91.      A replacement page 1 of the Paper had been sent to Members and was tabled at the meeting. Mr Ernest C.M. Fung, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary public car park for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection to or no adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory public inspection period, no public comment was received; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary public car park could be tolerated for a period of 3 years based

on the assessments as detailed in paragraph 11 of the Paper.

92. Members had no question on the application.

#### Deliberation Session

93. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night time operation between 11:00 p.m. to 7:00 a.m., as proposed by the applicant, is allowed on the site at any time during the approval period;
- (b) no parking of container vehicles, including container trailers and tractors, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed on the site at any time during the approval period;
- (c) no vehicle without valid licences issued under the Traffic Regulations is allowed to be parked/stored on the site at any time during the approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no parking of container vehicles, including container trailers and tractors, as defined in the Road Traffic Ordinance, is allowed to be sold/parked/stored on the application site at any time during the planning approval period;
- (e) no cutting, dismantling, melting, cleansing, repairing or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no open storage of materials, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (g) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of a condition record of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.5.2014;
- (j) the submission of a run in/out proposal within 6 months from the date of planning approval to the satisfaction of Director of Highways or of the TPB by 8.5.2014;
- (k) in relation to (j) above, the implementation of the run in/out proposal within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 8.8.2014;
- (l) the submission of a 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 8.5.2014;
- (m) in relation to (l) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2014;
- (n) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.5.2014;
- (o) in relation to (n) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.8.2014;

- (p) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB nu 8.5.2014;
- (q) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (r) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o) or (p) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (s) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before continuing the development on-site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long that the site is situated on Old Schedule Agricultural Lots granted under the Block Government Lease upon which no structure is allowed to be erected without his prior approval. No permission has been given to use and/or occupation of Government land (GL) (about 940m<sup>2</sup>) included in the site. The act of occupation of GL without Government's prior approval should not be encouraged. The site is accessible by a local road (Yu Yip New Road) on GL to connect Ping Ha Road. His office does not provide

maintenance works to the track or guarantee right-of-way. Should planning approval be given, the lot owner should note that no structure will be permitted within the site. The applicant has either to exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application will be considered by the Lands Department (LandsD) acting in the capacity as the landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may imposed by LandsD;

- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the run in/out at the access point at Ping Ha Road should be construct in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114 or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site with Ping Ha Road;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire services installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval. The layout plans should be drawn to scale and depicted with dimensions and

nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant is required to provide justifications to him for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap.123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and

- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission under the Buildings Ordinance is required for any proposed new works, including any temporary structures. The site shall be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under B(P)R 41D. If the site is not abutting on a specified street having a width not less than 4.5m, the development intensity shall be determined under B(P)R 19(3) at building plan submission stage.”

## **Agenda Item 28**

### Section 16 Application

[Open Meeting]

A/YL-HT/868	Temporary Open Storage of Construction Machinery, Construction Materials and Metal with Ancillary Office and Parking of Vehicles for a Period of 3 Years in “Comprehensive Development Area” Zone, Lots 3169 (Part), 3170 (Part), 3172 RP (Part), 3173 S.B (Part), 3173 S.C, 3174 RP (Part), 3175 (Part), 3176, 3177 (Part), 3178 (Part), 3179 (Part), 3184 (Part), 3185 (Part) and 3187 RP (Part) in D.D. 129 and Adjoining Government Land, Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/868)
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95. The Secretary reported that the applicant requested on 24.10.2013 for deferment

of the consideration of the application for one month in order to allow time for the applicant to prepare for further information to address the concerns raised by concerned government departments. This was the first time that the applicant requested for deferment of the application.

96. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 29**

#### Section 16 Application

[Open Meeting]

A/YL-LFS/235      Proposed Residential Development with Minor Relaxation of Plot  
Ratio from 0.2 to 0.2334 in “Residential (Group C)” and “Residential (Group D)” Zones, Lots 10 RP, 12 RP, 14 S.B RP, 14 RP, 15 S.A RP, 15 RP, 16 RP, 17 S.A RP, 17 S.B, 17 S.C and 17 RP in D.D. 128, Lots 2153 S.A and 2388 S.A ss.2 in D.D. 129 and Adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/235D)

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97. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with New World Development Company Limited and the applicant, Onfill Company Limited, was its subsidiary company. Members agreed that as Mr Fu had no direct involvement in the subject application, he should be allowed to stay in the meeting.

98. The Secretary reported that the application had been deferred four times. On 30.10.2013, the applicant’s representative wrote to the Town Planning Board to request for

further deferment of the consideration of the application for two months in order to allow time for the applicant to prepare for further information to address the concerns raised by concerned government departments. The Secretary further reported that the applicant had been actively addressing government departments' concerns by submitting a revised Master Layout Plan and a noise barrier review study report in September 2013. The Director of Environmental Protection and the Chief Town Planner/Urban Design and Landscape, Planning Department had made comments on the submitted documents. The applicant considered that more time was required to address the government departments' comments. The Secretary said that as it was the applicant's fifth request for deferment for consideration of the application.

99. 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 a total period of 10 months had been allowed, this was the last deferment and no further deferment would be granted.

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting]

A/YL-LFS/253      Proposed Public Utility Installation (Package Substation) with  
Excavation of Land (1.8m deep) for Cable Trench in "Village Type  
Development" Zone, Government Land in Sha Kong Wai, Lau Fau  
Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/253)

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100. The Secretary reported that the applicant requested on 24.10.2013 for deferment of the consideration of the application for two months in order to sort out the issues in connection with the location of the application site. This was the first time that the applicant

requested for deferment of the application.

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

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/418      Proposed Temporary Barbecue Area with Ancillary Car Park and  
                        Meeting Point for a Period of 3 Years in “Agriculture” Zone, Lots 107  
                        (Part), 125 RP (Part) and 158 RP (Part) in D.D. 110, Tsat Sing Kong,  
                        Pat Heung, Yuen Long  
                        (RNTPC Paper No. A/YL-KTN/418)

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[Ms Christina M. Lee left the meeting at this point.]

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

102. A replacement page 14 of the Paper had been sent to Members and was tabled at the meeting. Ms Bonita K.K. Ho, STP/TMYL, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed temporary barbecue area with ancillary car park and meeting point for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) commented that there were sensitive receivers within 100m of the application site and 50m along the access road. Heavy vehicles, like coaches, would bring environmental nuisances to the residents along the access road to the application site. A barbecue area would involve human chatting, shouting, odour and etc, and was likely to cause environmental nuisances to the nearby sensitive receivers. He had reservation on the setting of up of a barbecue area within the application site from environmental planning perspective according to the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”;
- (d) during the first three weeks of the statutory public inspection period, a public comment objecting to the application was received. The objection was on the grounds that the proposed development was incompatible with the planning intention and there was no impact assessment on traffic or environment. Although the applied use was on a temporary basis, the renewed application, if permitted, would have long-term impacts, and the supply of farmland should also be safeguarded ; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons detailed in paragraph 11 of the Paper and summarised below:
  - (i) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification had been given in the submission to justify a departure from the planning intention, even on a temporary basis;

- (ii) the surrounding land uses were predominated by residential dwellings/structures and mixed with a garden, an orchard, a plant showroom, a garage, fallow/cultivated agricultural land and open storage/storage yards. Residential dwellings/structures were located close to the site with the nearest one about 15m away to the west. Although the applicant indicated that no audio equipment or amplifier/loudspeaker would be used, the visitors and group activities arising from the proposed barbecue area such as human chatting, shouting etc. as well as the odour from the proposed development might cause adverse environmental nuisance to the nearby residents. The proposed development was therefore considered not compatible with the residential use in the vicinity. DEP had reservation on the setting of a barbecue area at the application site from environmental perspective;
- (iii) the applicant claimed that Portion B of the application site was a meeting point with ancillary parking for barbecue area. However, both Portions A and B were accessible via a local track leading from Kam Tai Road. There was no explanation in the submission to substantiate that the meeting point/parking area at Portion B was required to support the operation of the barbecue area at Portion A. DEP advised the use of heavy vehicles, such as coaches, would bring environmental nuisances to the residents along the access road to the application site. Besides, no information on toilets and drainage facilities for the proposed development was provided. The Drainage Services Department had requested the applicant to submit a drainage proposal for the proposed development. In this regard, the applicant failed to demonstrate that the proposed development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (iv) although similar applications for barbecue-related use covering 2 sites were approved with conditions by the Committee, they were for hobby farming or recreational club, mainly with passive recreation

activities and there was no adverse comment from DEP. Both sites were located in the western part of the subject “AGR” zone which were about 1,150m to 1,500m away from the application site. In this regard, approval of the subject application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.

103. Members had no question on the application.

#### Deliberation Session

104. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 12 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the proposed development is not compatible with residential dwellings/structure in the vicinity and the applicant fails to demonstrate that the development would not generate adverse environmental and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar applications to proliferate into this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

## **Agenda Item 32**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/618      Renewal of Planning Approval for Temporary “Flea Market (Open Only on Saturdays, Sundays and Public Holidays from 10 a.m. to 10 p.m.)” under Application No.A/YL-KTS/510 for a Period of 3 Years in “Railway” Zone, Government Land in D.D. 106 near Kam Ho Road, Kam Tin, Yuen Long

(RNTPC Paper No. A/YL-KTS/618)

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### **Presentation and Question Sessions**

105.      The Secretary reported that Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with MTR Corporation Limited. Members noted that Ms Lai had already left the meeting, and agreed that Mr Fu should be invited to leave the meeting temporarily during the discussion of and determination on this application.

[Messrs Ivan C.S. Fu and Frankie Chou left the meeting temporarily at this point.]

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary “Flea Market (Open only on Saturdays, Sundays and Public Holidays from 10:00 a.m. to 10:00 p.m.)” under previous application No. A/YL-KTS/510 for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) 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; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary flea market use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper.

107. Members had no question on the application.

#### Deliberation Session

108. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 27.11.2013 until 26.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the operation of the development is restricted from 10:00 a.m. to 10:00 p.m. on Saturdays, Sundays and public holidays only, as proposed by the applicant, during the planning approval period; and
- (b) if the above planning condition (a) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice.”

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

- “(a) to note the comments of the Commissioner of Transport that loading/unloading activities should not be carried out within the areas of Public Transport Interchange nearby;

- (b) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances; and
- (c) 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 are subject to compliance with the Buildings Ordinance (BO). Authorized Person must be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action may be taken to effect the removal of all unauthorized works in the future.”

### **Agenda Item 33**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/677      Temporary Open Storage of Construction Materials, Machinery and Second-Hand Vehicles for a Period of 3 Years in “Agriculture” and “Residential (Group D)” Zones, Lots 2879 (Part), 2881 (Part), 2888 (Part), 2889 (Part), 2890 (Part) and 2900 (Part) in D.D.111, Wang Toi Shan, Wing Ning Lei, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/677)

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[Messrs Ivan C.S. Fu and Frankie Chou returned to join the meeting at this point.]

#### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of construction materials, machinery and second-hand vehicles for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the application site was of high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structure, located to the northwest of the application site (about 60m away) and along the access road, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two public comments from the local villagers of Wang Toi Shan with one comment including signatures of 33 local villagers were received. The commenters strongly objected to the application as the development involved dismantling of computers, would cause environmental pollution, noise nuisance and adverse traffic impact. It would also induce fire hazard and the sewage generated by the development would threaten the health and wealth of the nearby villagers; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper. Although the open storage use under application was not in line with the planning intention of “Agriculture” (“AGR”) zone and DAFC did not support the application as the site was of high potential for agricultural rehabilitation, only about 38% of the site fell within “AGR” zone and similar open storage use had been operated at the application site since 1999. It was considered that the granting of temporary planning permission would not frustrate the long-term planning intention of the “AGR” zone. To address DEP's concern, 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. Any non-compliance with the approval condition would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to adopt the environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. Regarding the two public comments objecting to the application on grounds that the development involving dismantling of computer would cause environmental pollution, noise nuisance and adverse traffic impact, induce fire hazard and cause sewerage problem, it was noted that the Commissioner for Transport and the Director of Fire Services had no adverse comment on the application from traffic and fire safety perspectives. To minimise the possible environmental nuisance and fire risk, appropriate approval conditions, including prohibiting workshop activities, heavy goods vehicles to enter the application site and submission and/or implementation of drainage and fire services installations proposals and advisory clause would be included.

111. Members had no question on the application.

#### Deliberation Session

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years, as proposed by the applicant, until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 1:00 p.m. and 5:00 p.m. on Saturdays and no night-time operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

- is allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out at 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 is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
  - (e) the submission of a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.2.2014;
  - (f) in relation to (e) above, the implementation of a 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 8.5.2014;
  - (g) the submission of a tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.2.2014;
  - (h) in relation to (g) above, the implementation of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2014;
  - (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 20.12.2013;
  - (j) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.2.2014;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied used at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) shorter compliance periods are imposed to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is accessible to Kam Tin Road via Government land (GL) and private land. LandsD does not provide maintenance works on this access nor guarantee right-of-way. The lot owner concerned will still need to apply to LandsD to permit any

additional/excessive structures to be erected or regularize any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (e) to note the comments of the Commissioner of Transport that the site is connected to the public road network via a section of local access road which is not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the applicant should update photo record on the conditions of the existing trees and shrubs within the application boundary;
- (h) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (i) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant

shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for 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 cannot provide the standard pedestal hydrant;

- (j) to note the comments of the Director of Electrical and Mechanical Services that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure 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 shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
- (k) to note the comments of the Director of Fire Services that the FSIs proposal submitted by the applicant is considered acceptable subject to no open storage of combustibles in the site. The installation/maintenance/modification/repair works of the fire service installations (FSIs) shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair works issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to the Director of Fire Services. Besides, the good practice guidelines for open storage site at Appendix V of this RNTPC paper should be adhered to. To address the 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 Chief Engineer/Mainland North, Drainage Services Department that regarding the submitted drainage proposal, the gradients of the proposed U-channels should be shown on the drainage plan. Also, the flow direction of the runoff in the U-channel should be indicated. The invert levels of the proposed catchpits should be shown on the drainage plan for reference. The existing drainage facility to which the applicant proposes to discharge the storm water from the subject site should be indicated on plan. The relevant connection details should be provided for comments. Besides, cross sections showing the existing and proposed ground levels of the captioned site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed U-channel and the catchpit. In addition, the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent area, etc. The applicant should also consult DLO/YL and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works; and
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when

necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.”

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/678      Temporary Open Storage of Soil and Construction Materials with Ancillary Site Office and Staff Rest Room for a Period of 3 Years in “Agriculture” Zone, Lots 1689 S.A (Part), 1689 S.B, 1689 S.B ss.1, 1689 S.C and 1689 S.D (Part) in D.D. 111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/678)

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

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

- (a) background to the application;
- (b) the temporary open storage of soil and construction materials with ancillary site office and staff rest room for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the application site falls entirely within the “Agriculture” (“AGR”) zone and had high potential for agricultural rehabilitation. The Director of Environmental Protection (DEP) did not support the application as the applicant would make use of an access road connecting Kam Tin

Road to the application site, where residential dwellings were found within 50m of the access road, and noise nuisance was expected. Noting that the applicant had undergone a noise assessment in the Environmental Assessment attached in the supplementary Planning Statement, there could still be noise nuisances to nearby sensitive receivers even if the above noise criteria were met;

- (d) during the first three weeks of the statutory publication, two public comments from Designing Hong Kong and Kadoorie Farm and Botanic Garden Corporation Limited objecting to the application were received. The objections were on grounds that the development was incompatible with the zoning intention and the development would spoil the agricultural land which should be preserved to safeguard the food supply for Hong Kong; there was no assessment on the potential traffic or nuisance brought to the adjacent residential area; and the impact on land for agricultural use was long-lasting; and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons detailed in paragraph 12 of the Paper and summarised below:
  - (i) the application site fell within Category 3 areas under the Town Planning Board Guideline No. 13E (TPB PG-No. 13E), within Category 3 areas, “existing” and approved open storage and port back-up uses were to be contained and further proliferation of such uses was not acceptable. Applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. Sympathetic consideration might be given if the applicants had demonstrated genuine efforts in compliance with approval conditions of the previous planning applications and included in the fresh applications relevant technical assessments/proposals to demonstrate that the proposed uses would not generate adverse drainage, traffic, visual, landscaping and environmental impacts on the surrounding areas. Planning

permission could be granted on a temporary basis up to a maximum period of 3 years, subject to no adverse departmental comments and local objections, or the concerns of the departments and local residents could be addressed through the implementation of approval conditions;

- (ii) the proposed development was not in line with the planning intention of the “AGR” zone which was to retain and safeguard good quality agricultural land for agricultural purpose. This zone was also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. DAFC also did not support the application from the agricultural point of view as the application site had high potential for agricultural rehabilitation. No strong planning justification had been given in the submission to justify for a departure from the planning intention, even on a temporary basis. While the applicant stated that he was unable to identify suitable sites within the “Open Storage” (“OS”) zone for the development due to land ownership problem/land occupation status/financial considerations, the applicant failed to demonstrate why suitable site within the “OS” zones to the north and southeast of the site covering a total area of more than 80 hectares could be made available for the development;
- (iii) the proposed development was not compatible with the surrounding land uses which were predominated by residential structures/dwellings and agricultural land. There were residential structures/dwellings located to the north with the nearest one about 20m away and the “Village Type Development” zone for Leung Uk Tsuen/Wang Toi Shan San Tsuen was located close to the site to its east. While there were a few open storage/storage yards and warehouses in the vicinity of the application site, most of them were suspected unauthorized developments subject to enforcement action being taken by the Planning Authority. Although the landscape character of the area would change once the proposed Shek Kong

Stabling Sidings (SKSS) (i.e. rail tracks) to the southwest of the site were built in the future, the application site would serve as buffer between the residential dwellings/village houses to the east and the SKSS, and would help preserving the rural character of the area;

- (iv) the proposed development was not in line with the TPB PG-No. 13E in that there was no previous approval for open storage use granted at the application site and that existing and approved open storage use should be contained within the Category 3 areas and further proliferation of such use was not acceptable. Moreover, there were adverse departmental comments. Noting that the applicant proposed to fence off the application site by noise barriers, DEP was of the view that there could still be noise nuisances to nearby sensitive receivers even if the noise criteria were met. In this regard, he did not support the application as there were sensitive receivers, i.e. residential structures within 50m of the access road and environmental nuisance was expected. CTP/UD&L of PlanD was also concerned about the proposed height of the noise barriers from visual point of view. The Chief Engineer/Development(2), Water Supplies Department had concerns on the proposed vehicular access route as it would intersect and encroach upon the Water Works Reserve for shallow cover of Dong Jiang Raw Water Main. The previous application (No. A/YL-PH/645) for similar open storage use was also rejected by the Committee on 24.8.2012 and there was no material change on the planning circumstances that warranted a departure from the Committee's previous decision;
- (v) there were similar applications for various temporary storage/open storage uses which were approved with conditions by the Committee in the "AGR" zone since the promulgation of the TPB PG-No. 13E on 17.10.2008. For applications (No. A/YL-PH/603 and 658), they covered a much smaller area of about 300m<sup>2</sup> which was abutting Kam Tin Road and subject to previous approvals. The other similar applications about 300m to the east of the application site were

approved taking into account that they were located in areas predominated by open storage/storage yards or close to the “OS” zone to the south of the subject “AGR” zone as compared with the surrounding areas of the application site predominated by residential dwellings/structures and agricultural land and original sites were resumed for Express Rail Lin project. In this regard, the approval of the subject application would set an undesirable precedent for other similar uses to proliferate into this part of the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the rural environment of the area; and

- (vi) two public comments objecting to or expressing concern on the application were received during the statutory publication period on grounds that the development was incompatible with the zoning intention and surroundings and would spoil the agricultural land thereby affecting the food supply for Hong Kong. The impact on land for agricultural use was long-lasting.

115. Members had no question on the application.

#### Deliberation Session

116. After deliberation, the Committee decided to reject the application. Members then went through the reasons for rejection as stated in paragraph 13 of the Paper and considered that they were appropriate. The reasons were :

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is to retain and safeguard good agricultural land for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board

PG-No. 13E in that the proposed development is not compatible with the surrounding land uses which are predominated by residential structures/dwellings and agricultural land. There is also no previous approval granted at the site and there are adverse departmental comments and local objections against the application;

- (c) the applicant fails to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an undesirable precedent for other similar uses to proliferate into this part of the “AGR” zone. The cumulative effect of approving such applications would result in a general degradation of the rural environment of the area.”

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/195      Temporary Shop and Services (Brass Ware Showroom and Retail Shop) and Staff Quarters with Ancillary Office for a Period of 3 Years in “Village Type Development” Zone, Lot 865 RP in D.D. 114 and Adjoining Government Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-SK/195)

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

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

- (a) background to the application;
- (b) the temporary shop and services (brass ware showroom and retail shop) and staff quarters with ancillary office for a period of 3 years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments raising concerns on traffic and road safety grounds as well as on the nature of the staff quarters use at the application site (which was more akin to subdivided flats than staff accommodation) were received; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary shop and services (brass ware showroom and retail shop) and staff quarters with ancillary office could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments on the concerns of the pick-up/drop-off activities and stopping of coaches outside the application site on Kam Sheung Road, the Commissioner for Transport, the Chief Highways Engineer/New Territories West, Highways Department and Commissioner of Police had no adverse comment on the application. Besides, an approval condition prohibiting loading/unloading activities along Kam Sheung Road was recommended to address this concern. Regarding the queries on the staff quarters and claims on potential subdivided flats at the application site, it should be noted that any use or development, which was always permitted or might be permitted upon application, must conform to any other relevant legislation, the conditions of the government lease concerned, and any other government requirements, as might be applicable.

118. Members had no question on the application.

#### Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no loading/unloading activities are allowed to be carried out along Kam Sheung Road at any time during the planning approval period;
- (c) the submission of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.5.2014;
- (d) in relation to (c) above, the implementation of landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 8.8.2014;
- (e) 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 8.5.2014;
- (f) in relation to (e) 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 8.8.2014;
- (g) if any of the above planning condition (a) or (b) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (h) if any of the above planning conditions (c), (d), (e) or (f) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the

applied use at the site;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site is an Old Scheduled Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval of his office. No approval has been given for the specified two-storey structure as brass ware souvenir showroom, toilet, worship area, managers' office, rest area, reception area, pantry, storeroom, office, and staff quarter. No permission has been given for the occupation of the Government land (GL) within the site. Should the application be approved, the lot owner concerned will need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the Government land portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as imposed by LandsD. Besides, the site is accessible to Kam Sheung Road via a short distance of GL. His office does not provide maintenance works for this access nor guarantees right-of-way;
- (c) to note the comments of the Director of Environmental Protection that the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" should be observed to minimize any potential environmental nuisances;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the applicant should provide his own drainage facilities to collect the runoff generated from the site or passing through the site, and discharge the runoff collected to a proper discharge point. The development should not obstruct overland flow or cause any adverse drainage impact to the adjacent areas and existing drainage facilities.

DLO/YL, LandsD should be consulted and consent from the relevant owners should be sought for any works to be carried outside the lot boundary;

- (e) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installation (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI as required, the applicant shall provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the application site. If the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including office, quarter, store room etc. as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on lease land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with

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

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/196      Temporary Car Park (Private Cars and Light Goods Vehicles) for a Period of 3 Years in “Village Type Development” Zone, Lot 782 (Part) in D.D. 114 and Adjoining Government Land, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-SK/196)

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

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

- (a) background to the application;
- (b) the temporary car park (private cars and light goods vehicles) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d) 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; and
- (e) the Planning Department (PlanD)'s views – that the temporary car park for private cars and light goods vehicles could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper.

122. Members had no question on the application.

#### Deliberation Session

123. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 8.11.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 10:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the application site during the planning approval period;
- (b) no vehicles without valid licences issued under the Road Traffic (Registration and Licensing of Vehicles) Regulations are allowed to be

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

- (c) no more than 27 private cars/light goods vehicles are allowed to be parked on the application site, as proposed by the applicant, at any time during the planning approval period;
- (d) no medium or heavy goods vehicles over 5.5 tonnes as defined in the Road Traffic Ordinance, coaches or container tractors/trailers, as proposed by the applicant, are allowed to be parked on the application site at any time during the planning approval period;
- (e) no vehicle dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the application site at any time during the planning approval period;
- (f) no reverse movement of vehicles on public road are allowed at any time during the planning approval period;
- (g) the existing drainage facilities implemented on the application site under Application No. A/YL-SK/137 shall be maintained at all times during the planning approval period;
- (h) the submission of a record of the existing drainage facilities on application site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.5.2014;
- (i) the implementation of the accepted 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 8.5.2014;
- (j) the implementation of the accepted 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 8.5.2014;

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

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

- “(a) the permission is given to the use/development under application. It does not condone any other use/development including the parking of vehicles other than private cars and light goods vehicles which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such use/development not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lot within the application site is an Old Schedule Agricultural Lot held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. Lot 782 (Part) in D.D. 114 is covered by Short Term Waiver

(STW) No. 3536 to allow the use of land for the purpose of the ancillary use to car park (private cars and light goods vehicles) with permitted built-over area not exceeding 54m<sup>2</sup> (about) and building height not exceeding 3m. No permission has been given for the occupation of the Government land within the application site. The act of occupation of Government land without Government's prior approval should not be encouraged. The lot owner concerned will still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Furthermore, the applicant has to either exclude the Government land portion from the site or apply for a formal approval prior to the occupation of the Government land portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fees, as imposed by LandsD. The site is accessible to Kam Sheung Road via an informal track of Government land. His office does not provide maintenance works for this access nor guarantees right-of-way;

- (e) to note the comments of the Commissioner of Transport that the application site is connected to the public road network via a section of a local access road which may not be managed by Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibility of the same local access road should be clarified with the relevant land and maintenance authorities accordingly;
- (f) to note comments of the Chief Highway Engineer/New Territories West, Highways Department that his Department is not responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (g) to adopt the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' issued by

Environmental Protection Department;

- (h) to note the comments of the Director of Fire Services that the installation/ maintenance/ modification/ repair works of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair works issue to the person whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to his consideration. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justification to his department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of the BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including store room and site office as temporary buildings) are to be carried out on the application site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the application site under the BO. The application site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the application site does not abut on a specified street of not less than 4.5m wide, its permitted development

intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage; and

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

[The Chairman thanked Mr Vincent T.K. Lai, Mr K.C. Kan, Mr Ernest C.M. Fung and Ms. Bonita K.K. Ho, STP/TMYL, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

### **Agenda Item 37**

#### **Any Other Business**

125. There being no other business, the meeting closed at 5:30 p.m..