

## **TOWN PLANNING BOARD**

### **Minutes of 501<sup>st</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 13.12.2013**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Mr Timothy K.W. Ma

Vice-chairman

Dr C.P. Lau

Ms Anita W.T. Ma

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

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  
Miss Ophelia Y.S. Wong

Secretary

**Absent with Apologies**

Professor Edwin H.W. Chan

Professor K.C. Chau

Dr Wilton W.T. Fok

Mr Rock C.N. Chen

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

**In Attendance**

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

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

Town Planner/Town Planning Board  
Ms Brenda W.Y. Sin

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 500<sup>th</sup> RNTPC Meeting held on 22.11.2013**

[Open Meeting]

1. The Secretary reported that Ms Anita K.F. Lam, Assistant Director/New Territories, Lands Department, had proposed amendments to paragraph 67 of the draft minutes which were tabled at the meeting and highlighted as follows :

“67. Ms Anita Lam (Assistant Director/New Territories, Lands Department) did not agree that approval condition (p) should be imposed. She said that a planning permission granted by the Board was under public law while the Lands Department executed land exchange or lease modification in the capacity of private landlord under private law. Imposing the approval condition would prejudice the Government’s capacity as a private landlord. As such, she considered it inappropriate to impose the approval condition. She further said that for the Wo Shang Wai case, the similar approval condition *explicitly stated that it* was *as* proposed by the applicant, which was different from the current case. The Secretary said that if the applicant felt aggrieved by the condition, he could seek review of it under section 17 of the Town Planning Ordinance.”

2. The Secretary also said that proposed amendments from Dr. W.K. Yau to paragraph 64 of the minutes of the last meeting had just been received as highlighted below :

“64. A Member *raised objection to the application. The Member had reservation ~~had concern~~* on the proposed *conservation funding* arrangement by the applicant.....”

3. Members had no objection to the proposed amendments and agreed that the minutes were confirmed subject to the incorporation of the above proposed amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

Consideration of the Draft Planning Brief for the  
“Comprehensive Development Area (2)” Site at Whitehead, Ma On Shan  
(RNTPC Paper No. 13/13)

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4. The Secretary reported that in the draft Planning Brief for the “Comprehensive Development Area (2)” (“CDA(2)”) site at Whitehead endorsed by the Committee on 22.11.2013, the future development would need to provide a 15m-wide visual corridor to enhance visual permeability and air ventilation among other requirements. The visual corridor was extending from the “CDA(1)” zone to the south of the “CDA(2)” zone. According to the Master Layout Plan of the “CDA(1)” zone approved by the Committee, a 35m-wide visual corridor had been reserved. To allow a continuous and unobstructed visual corridor, it was considered more appropriate for the subject “CDA(2)” site to adopt the same width for the visual corridor. Visual Impact Assessment and Air Ventilation Assessment would need to be submitted for the Town Planning Board’s consideration together with the Master Layout Plan. In view of this, the Committee was invited to consider and agree the proposed amendment of the visual corridor’s width to form part of the approved Planning Brief. The proposed amendment was marked on the amendment page tabled at the meeting for Members’ consideration. Members agreed to the proposed amendment for incorporation into the Planning Brief for the “CDA(2)” site.

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

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Sessions only)]

Y/PSK/1                      Application for Amendment to the Approved Pak Shek Kok (East) Outline Zoning Plan (OZP) No. S/PSK/9, to rezone part of the application site from “Recreation”, “Open Space” and “Road” to “Open Space” and “Other Specified Uses” annotated “Marine Centre” and extend the Outline Zoning Plan boundary to include part of Tolo Harbour and zone as “Other Specified Uses” annotated “Marine Centre”. A site in Pak Shek Kok bounded by Fo Yin Road, Fo Chun Road, Fo Hing Street and the promenade/cycle path; and the water body generally fronting Hong Kong Science Park (not covered by the OZP)

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(RNTPC Paper No. Y/PSK/1A)

5.                      The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as Mr Fu had current business dealings with Masterplan Planning Consultants Ltd., which was the consultant of the application. As Mr Fu had no direct involvement in the subject application, Members agreed that he should be allowed to stay in the meeting.

**Presentation and Question Sessions**

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

- |             |   |   |
|-------------|---|---|
| Mr C.K. Soh | - | District Planning Officer/Shu Tin, Tai Po and North (DPO/STN) |
| Mr C.T. Lau | - | Senior Town Planner/Shu Tin, Tai Po and North (STP/STN)       |

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

Mr Ian Brownlee	- Applicant's representative
Ms Debbie Chan	- Applicant's representative

8. The Chairman extended a welcome and explained the procedure of the hearing of the application. He then invited Mr C.T. Lau, STP/STN, to brief Members on the background of the application. Mr Lau did so with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

*The Proposal*

- (a) the application was to rezone part of the application site (Site A) from "Recreation" ("REC"), "Open Space" ("O") and 'Road' on the then approved Pak Shek Kok (East) OZP No. S/PSK/9, which was in force when the application was submitted, to "O" and "Other Specified Uses" annotated "Marine Centre" ("OU(MC)") and to extend the boundary of the OZP to cover the water body in Tolo Harbour (Site B) and zone it as "OU(MC)" for development of a marine centre (MC) to permit recreational boating facilities at the application site (covering Site A and Site B). No schedule of uses was proposed for the "OU(MC)" zone in the application;
- (b) the proposed MC consisted of the land portion (Site A) of about 2.7 hectares (ha) and the water portion (Site B) of about 26 ha. Site A would be mainly occupied by a 4-storey dry-stacking building with a building height (BH) of 19m while Site B would comprise of a water sports centre, an administration building and an eco-tour and ticketing centre, all to be of one storey with a BH of 3m and accommodated on a pontoon, and a marina with 400 berths. The overall GFA to be accommodated at Site A and Site B were about 25,500m<sup>2</sup> and 2,700m<sup>2</sup> respectively, which were equivalent to a plot ratio of 0.94 for the building on land and a plot ratio of 0.03 for the structures floating on water;
- (c) Site A was a piece of formed Government land (about 2.7 ha) and

consisted of a temporary works area of the Civil Engineering and Development Department (CEDD) for stockpiling of construction fill; a public toilet managed by the Food and Environmental Hygiene Department and loading/unloading space for a kiosk/restaurant at the Pak Shek Kok Promenade and unleased Government land. Both the public toilet and the loading/unloading space were planned for relocation to facilitate residential development. Site A formed part of the two housing sites Tai Po Town Lot (TPTL) 213 and 214 included in the 2013-14 Land Sale Programme. Site B covered part of Tolo Harbour to the immediate northeast of the Hong Kong Science Park (HKSP) and the Pak Shek Kok Promenade and was not covered by any OZP;

- (d) HKSP was zoned as “Other Specified Uses” annotated “Science Park” (“OU(SP)”) and located to the immediate southeast of Site A and southwest of Site B. The north-western portion of Pak Shek Kok was mainly occupied by medium-density residential development recently completed/under construction. A public car park and taxi/minibus layby were adjoining Site A in the immediate north-west. To the southwest of Site A was a piece of Government land reserved for future expansion of HKSP zoned “OU(SP)”. The Pak Shek Kok Promenade with a cycle track and a public pier was between Site A and Site B;
- (e) Site A was rezoned from “REC” and “O” to “Residential (Group B)5” (“R(B)5”) to provide land for residential development on the draft OZP No. S/PSK/10 which was exhibited under section 5 of the Town Planning Ordinance (the Ordinance) for public inspection on 18.1.2013. A total of 349 representations, including one submitted by the applicant under the current application, were received. The representation submitted by the applicant (No. R3) was against the “R(B)5” zone on the draft OZP and proposed to rezone the “R(B)5” site to “O” and “OU(MC)” together with other rezoning proposals for the development of a MC which was similar to that of the current application. On 12.7.2013, after considering all representations and comments to the draft OZP, the Town Planning Board (TPB) decided that no amendment

would be proposed to meet the representations. The draft OZP together with representations and comments were considered and approved by the Chief Executive in Council (CE in C) on 8.10.2013. The OZP was subsequently renumbered as S/PSK/11 and notified in the gazette on 18.10.2013;

- (f) based on the advice of the Department of Justice, while the then approved OZP No. S/PSK/9 should be used as the basis for consideration of the current application, the approved OZP No. S/PSK/11 would provide a material consideration which the Committee might take into account for its consideration of the current application;

Departmental Comments

- (g) the departmental comments were detailed in paragraph 8 of the Paper and highlighted as follows :
  - (i) the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) advised that the application was not supported. The proposed rezoning would affect the Government's disposal of TPTL 213 and 214 for residential purposes in accordance with the planning intention on the OZP. The applicant's proposal of using the parking spaces at HKSP to accommodate the car parking demand generated by the proposed MC would contravene the lease conditions of HKSP (TPTL 171, TPTL 182 and TPTL 204);
  - (ii) the Commissioner for Innovation and Technology (CIT) objected to the location and scale of the proposed MC. He was seriously concerned that the proposed MC would have substantial and irreversible effect on the operation of the HKSP and its tenant. The operation of the proposed MC would generate lots of noise, vibration, traffic and pollution to affect the tranquillity of the surrounding area. People flow of the proposed MC would create unacceptable pressure on the HKSP's public facilities. Such

fundamental changes to the physical and social setting of HKSP would seriously affect its functionality and attractiveness. The hectic activities brought about by the proposed MC would seriously compromise the ability of HKSP in meeting the legitimate expectation of its tenants. They would also compromise the effort in attracting multinational companies to setup their research and development facilities in HKSP. The applicant had not suggested any concrete proposal on the mitigation measures to address the CIT's concern;

- (iii) the Commissioner for Transport (C for T) was unable to offer support to the application. There was insufficient information related to the vessel tunnel to demonstrate that it was a feasible and practicable approach to mitigate the conflicts amongst different road users (particularly MC users, cyclists and pedestrians) in the area. The applicant's assumption that the traffic generated by the proposed MC was very low and all the induced parking demand could be absorbed in the nearby HKSP was unacceptable. Besides, the applicant had not provided a detailed traffic impact assessment;
- (iv) the Chief Highway Engineer/New Territories East, Highways Department advised that there was a proposed underground access denoted as "Boat Entry Under" without any details. The applicant should provide further information for his assessment/consideration. He had reservation on the application from highways viewpoint;
- (v) the Director of Environmental Protection (DEP) advised that the proposed marina was a Designated Project under the Environmental Impact Assessment Ordinance (EIAO). The project proponent had to follow the statutory provisions of the EIAO and an environmental permit was needed for the construction and operation of the project. In addition, a detailed

water quality assessment with application of hydraulic modeling test to demonstrate good flushing and water exchange capacity of the water bodies was required. Sewerage Impact Assessment (SIA) should be conducted to ensure that sewerage system of sufficient capacity would be provided. Sewage treatment/disposal facilities should be provided to avoid the discharge of sewage from the vessels into the sea. The proposed facilities were close to the planned residential development in Pak Shek Kok (East) whereas future residents were regarded as noise sensitive receivers (NSRs). The potential noise impacts to the future NSRs should be addressed, in particular from the vessels' engine noise (especially during holiday time) and from the potential fixed noise sources caused by operational activities in the proposed dry-stacking building. Given the proposed MC was a Designated Project and in the absence of details that the project would comply with the EIAO, he did not support the application;

- (vi) the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application. A SIA should be prepared and submitted at this stage to demonstrate that the proposed development would create no adverse sewerage impact;
- (vii) the Director of Marine (D of Marine) considered that the proposed floating breakwater could only serve as demarcation but might not be able to stand the wave in stormy weather. The proposed MC would generate a significant amount of traffic. There might be a need to conduct Marine Traffic Impact Assessment to identify the possible marine impact on the traffic in the vicinity;
- (viii) the Chief Engineer/Port Works, CEDD (CE/PW, CEDD) advised that the suitability of the proposed location of the MC and the feasibility of the proposed pontoons and any floating breakwater were subject to further investigation. As a result of the proposed

MC, access to the existing pier would be confined to a narrower channel;

- (ix) the Director of Agriculture, Fisheries and Conservation (DAFC) considered that the potential environmental impact of the proposed MC could not be ascertained at this stage. The proposed MC was rather conceptual and there was insufficient information at present to address its potential impact on the marine environment and the fisheries resource;
  
- (x) the Secretary for Home Affairs (SHA) and Director of Leisure and Cultural Services (DLCS) advised that Tai Po had about 92 ha of open space which was adequate to meet the Hong Kong Planning Standards and Guidelines (HKPSG) of at least 60 ha of open space for Tai Po. There was no pressing need to rezone part of the application site near the existing promenade as “O”. There was also no plan at present to develop water-based recreational/MC facilities at Pak Shek Kok. Whilst HAB generally welcomed proposals to develop water sports facilities for public use, and would provide necessary input in relation to any such development, the applicant should demonstrate the feasibility of the proposal. It should not be taken as support/commitment from HAB had been obtained;
  
- (xi) the Chief Town Planner/Urban Design and Landscape, PlanD had reservation on the application from the landscape planning point of view. The area on land was currently half paved and half vegetated. In general, significant adverse impact on landscape resources was not likely. The proposed MC might not be incompatible with the existing recreational landscape character of the Tolo Harbour waterfront. However, without sufficient technical assessment provided in the planning statement, it was considered premature to ascertain the landscape impact of the proposed MC. Also, the layout and function of the proposed

open space were not specified;

(xii) the District Officer (Tai Po), Home Affairs Department commented that strong objection from the local community of Tai Po against the project was expected. Reasons of objections might include, inter alia, the development's impact on the ecology of Tolo Harbour and the livelihood of local fishermen, the lack of proper consultation with the Tai Po District Council, and the allegation that the project was in fact a real estate project in disguise;

Public Comments

- (h) during the first three weeks of the statutory public inspection period, a total of 363 public comments were received. There were 336 supporting comments, amongst which 328 were in similar standard letter format, and 27 objecting comments;
- (i) the majority of the commenters in support of the rezoning application were individual members of the public. Other supporters include water sports related organisations such as the Hong Kong, China Rowing Association and Tai Po Boat Club. The public comments supporting the proposed MC were mainly on the grounds that the application site was suitable for development of a MC for provision of marine recreational facilities and would have a positive effect on tourism and local employment without adverse ecological impact. The proposed MC would also promote development of various types of water sports;
- (j) the objections were submitted mainly from the Tai Po Rural Committee, Hong Kong Science and Technology Park (HKSTP), nearby villagers/village representatives, fishermen and related associations including New Territories Fisherman Fraternity Association, Federation of HK Aquaculture Associations and Tai Po Fisherwomen's Association. Their objections were mainly on the grounds of potential impacts on

ecology, fishery, water quality, environment and marine safety, as well as the proposed MC was indeed a property development project to serve the affluent rather than the general public. HKSTP was also concerned that the proposed MC would affect the tranquillity and operation of HKSP;

PlanD's views

- (k) PlanD did not support the application based on the assessments made in paragraph 10 of the Paper, which were summarised as follows :
  - (i) Site A formed part of a larger site zoned “REC” on the then OZP earmarked for sports venues and training pitches. With the relocation of the planned facility to Whitehead, the site was released for residential use to meet housing needs of the community. The site was suitable for housing purpose and the current “R(B)5” zoning on the OZP reflected the latest planning intention, and the concerned OZP had gone through the statutory planning process and was approved by CE in C. There were no strong justifications to deviate from this planning intention. The Government had no plan to develop a MC at the site. There was no justifications or evidence in the submission on why the site was most suitable for development of a MC, even better than housing use, particularly at a time when there was an acute shortage in housing land supply;
  - (ii) the proposed MC was not compatible with the existing and planned uses in the vicinity. DEP considered that the proposed MC would generate noise impacts (especially from vessel engines and operational activities from dry-stacking building) to the residents. CIT objected to the location and scale of the proposed MC which would have substantial and irreversible effect on the operation of HKSP. The proposed MC would generate noise, vibration, traffic and pollution affecting the tranquillity of the

surrounding area and was incompatible with HKSP. The people flow would invariably spill over to HKSP creating unacceptable pressure on its facilities;

- (iii) the applicant had not submitted any assessments to demonstrate that the proposal would not cause adverse impacts on environmental, ecological, marine environment, marine traffic and safety and pedestrian/vehicular traffic aspects. C for T considered the applicant's proposal to utilise the car parking spaces in HKSP to cater for the demand generated by users of the proposed MC not acceptable. Relevant Government departments including DEP, C for T, and CE/MN, DSD did not support the application;
- (iv) CE/PW, CEDD and D of Marine considered that the suitability of the proposed location of the MC was subject to further investigation including construction of breakwater structures and pontoon for the MC; and
- (v) there were about 92 ha of open space in Tai Po which was adequate to meet the demand of 60 ha according to HKPSG. DLCS considered that further provision of open space in Pak Shek Kok was not required. Rezoning part of Site A for "O" was considered not necessary.

9. The Chairman then invited the applicant's representatives to elaborate on the application. Mr Ian Brownlee tabled a copy of a letter dated 22.9.2013 from the applicant addressed to the CE, the Secretary for Development, and the Secretary for Transport and Housing regarding land sales and the requirement of providing public moorings at Pak Shek Kok. He made the following main points :

- (a) the application had been worked out by the applicant for many years on a pro-bono basis. The application should have been considered on 5.4.2013. However, the Committee agreed that the application should

be deferred as the representations of the draft OZP No. S/PSK/10 were yet to be heard by the TPB and the decision of the Committee might pre-empt the decision of the TPB on the representations. The representations and comments in respect of the draft OZP No. S/PSK/10 were considered by the TPB on 12.7.2013. After considering all the representations and comments, the TPB decided not to uphold the representations including the one submitted by the applicant;

- (b) nevertheless, the Committee's decision to defer the consideration of the application had completely pre-empted any decision to be made by the Committee on the application at this meeting;
- (c) with reference to one of the reasons for rejection as mentioned in paragraph 11.1(b) of the Paper, Mr Brownlee said that the application was to present a good concept with simple amount of technical information to show that it would be possible. If the applicant's conceptual proposal was acceptable, it would be for the Government to further consider its implementation. The applicant as a non-Government organisation did not have the financial resources for all the technical assessments and the implementation of the proposal;
- (d) as recorded in paragraph 70 of the confirmed minutes of the TPB meeting held on 12.7.2013 regarding the consideration of representations and comments in respect of the draft OZP No. S/PSK/10, in response to a Member's questions in relation to HKSP, the then DPO/STN, PlanD said that she had no readily available information on the current utilisation rate of HKSP. She said that Phases 1 and 2 of HKSP had already been completed and occupied while Phase 3 was due for completion by 2016. According to the CIT's advice, a site of about 8 ha at Pak Shek Kok was reserved for the future expansion of HKSP. The detailed requirements for the expansion of HKSP were being reviewed by CIT. It appeared that there were no justifications nor technical studies for the expansion of HKSP though an area of about 8 ha had been rezoned to cater for the expansion of HKSP;

- (e) to address a shortage of affordable public moorings for private vessels and especially around Tolo Harbour, a requirement to provide safe moorings could be included in land sale conditions when the remaining waterfront sites were put up for tender. The cost would be reflected in the land premium and facilities could be provided quickly. A not-for-profit operator such as the Tai Po Boat Club could manage the moorings to ensure they remained affordable to the general public;
- (f) there was a need for more public marine facilities. In 2012, there were 14,183 vessels used for leisure, recreation and sports and a shortfall of over 10,000 berthing facilities which had led to people creating illegal moorings which were rented out at extortionate rates. Small boat owners who could not afford these expensive sub-lets or a membership of a private marina, or were unwilling to sit on the long waiting lists, left their boats exposed to the risk of damage and lack of insurance cover;
- (g) similar to the proposed MC in the application, the applicant also proposed a public MC in Ma Liu Shui reclamation area to facilitate marine activities to be provided for Tolo Harbour;
- (h) from a reply to the applicant, SHA welcomed initiatives to develop marine facilities for public use at Pak Shek Kok and would provide necessary input to subject bureaux/departments in relation to development of the site concerned. SHA would support for more recreational facilities at Pak Shek Kok;
- (i) Section 12A application was the only way that the public could offer ideas to the Government. Most of the cases in relation to schools, parks, sports facilities, heritage, conservation or welfare facilities were rejected due to lack of technical supports. However, the same level of justifications or similar level of public consultation was not required for Government proposals such as the expansion of HKSP;

- (j) the TPB had approved with conditions a section 16 planning application (No. A/TKO/94) which was submitted by the Lands Department with very little technical information for minor relaxation of the development restrictions for four proposed sale sites in Tseung Kwan O. The Committee had approved with conditions another planning application (No. A/H4/92) submitted by the Urban Renewal Authority for new additions of the market building and minor relaxation of the BH restriction to facilitate the revitalization of the former Central Market. There were concerns that the proposed relaxation of development restrictions in these two applications might not be considered as minor, and the relevant OZPs should be amended to allow public consultation, instead of granting planning permission for a wholesale relaxation of development restrictions ; and
  
- (k) with the Committee's deferred consideration of the application, the whole procedure of the application had been twisted that it was difficult to ensure a proper and fair consideration of the application. The application was made to the then approved OZP No. S/PSK/9. Under the current approved OZP No. S/PSK/11, Site A was rezoned to residential use. The application was now related to a different OZP that had recently approved by CE in C. The consideration of the application was actually ultra vires. The decision by the Committee on the application might be subject to judicial review in view of the procedural irregularity.

10. Noting the applicant's representative's criticism on the procedure by which the application had been dealt with, a Member pointed out that the applicant opposed the amendments incorporated into the draft OZP No. S/PSK/10 in respect of the rezoning of Site A to residential use and submitted a representation with a MC proposal which was quite similar to the application. The Member said that it would be fair to say that the MC proposal should have been considered by the TPB at the hearing of representation and comments held on 12.7.2013.

11. In response to the Vice-chairman's enquiry on any alternative location in the area

for the proposed MC, Mr Brownlee said that Site A was primarily selected on the basis of a number of criteria including its land status, its location with respect to shoreline from reclamation. The proposed MC would have no significant ecological impact. The application site was technically feasible as shown in the applicant's assessments on the wave activities and water-related activities.

12. In response to the applicant's accusation that the procedure for considering the application was not proper, the Chairman remarked that in considering the application, Members should focus on the suitability of the application site for the proposed MC and the technical feasibility of the proposal.

13. As the applicant's representatives had no further points to raise and there were no further questions from Members, the Chairman informed them the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee's decision in due course. The Chairman thanked the applicant's representatives and PlanD's representatives for attending the meeting. They left the meeting at this point.

#### Deliberation Session

14. The Chairman said that as far as the proposed MC was concerned, Members should take into account the consideration of whether the location was suitable for the proposed use and whether the proposal could meet the basic technical requirements. There were concerns on whether the proposed floating breakwater could protect the vessel berthing and whether the proposed development would have adverse sewerage and drainage impacts. From the technical feasibility point of view, the proposal was not supported by the relevant Government departments.

15. The Vice-chairman suggested that it might be possible for the applicant to liaise with the future developer(s) for developing a MC in conjunction with private residential developments. Since the applicant had not submitted the necessary technical assessments to support the rezoning application, the application could not be supported. A Member agreed that the application should not be approved as its technical feasibility had not been demonstrated.

16. A Member pointed out that it was unlikely for the Leisure and Cultural Services Department (LCSD) to take over the MC even if it could be implemented as part of a private development. Similar to sports centres, the same Member considered that such facility, if provided, should be run by LCSD. Otherwise, it would be criticized by the public that the facility was to serve the affluent.

17. Another Member said that during the hearing of the applicant's representation in respect of the draft OZP, the proposal of a MC had been considered by the TPB before it made a decision on the representation.

18. The Secretary explained that the applicant submitted the rezoning application two days before the gazettal of the draft OZP No. S/PSK/10 which incorporated, amongst others, amendment to rezone Site A to "R(B)5". The applicant subsequently submitted a representation against this amendment and proposed to rezone the "R(B)5" site to "O" and "OU(MC)" for the development of a MC which was similar to the rezoning application. The rezoning application was considered by the Committee on 5.4.2013 and as the application site was subject to representation yet to be heard by the TPB, the Committee decided to defer making a decision on the application in accordance with the relevant TPB Guidelines on Deferment of Decision on Representations, Comments, Further Representations and Applications so as not to pre-empt the TPB's decision on the representations. The applicant's proposal of a MC was later presented to and considered by the TPB at the hearing of representation and comments held on 12.7.2013. After consideration, the TPB decided not to uphold the applicant's representation. As the statutory plan-making process of the OZP was now completed, the rezoning application was submitted to the Committee for consideration. In effect, the applicant's proposal of a MC development had already been considered by the TPB.

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

19. A Member considered that the proposed MC might not be incompatible with the surrounding areas from the land use point of view. However, the proposal was too conceptual with limited information to substantiate its technical feasibility. The Chairman shared the same view and said that marina facilities adjoining residential developments could

be found at Discovery Bay on Lantau Island, Marina Cove in Sai Kung and Marinella in Aberdeen. The Secretary clarified that the proposed MC was considered incompatible with the surrounding areas due to the noise generated which would affect the tranquil environment and the operation of HKSP. The HKSTP had raised strong objection to the proposal. Taking into account the Members' concerns, the Secretary suggested that the reasons for rejection as recommended in paragraph 11.1 of the Paper should be further refined on the basis of technical feasibility instead of land use compatibility. Members agreed.

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

- “(a) The “Residential (Group B)5” zoning of the site on the current approved Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/11 is appropriate and will allow better utilisation of land resources to meet housing needs of the community;
- (b) the applicant has failed to demonstrate the technical feasibility of the proposed MC and that it would not cause adverse impacts on environmental, ecological, marine traffic and safety and pedestrian/vehicular traffic aspects to the surrounding areas and Pak Shek Kok is a suitable location for the proposed MC development; and
- (c) there is sufficient existing and planned open spaces in Pak Shek Kok and rezoning of part of the site to “Open Space” is not required.”

[The Chairman thanked Mr C.K. Soh, DPO/STN, and Mr C.T. Lau, STP/STN, for their attendance to answer Members' enquires. Messrs Soh and Lau left the meeting at this point.]

**Agenda Item 4**

**Section 12A Application**

[Open Meeting

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

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21.                      The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as Mr Fu had current business dealings with Ove Arup & Partners Hong Kong Ltd., which was one of the consultants of the applicant. As the item was for deferral of consideration of the application, Members agreed that Mr Fu should be allowed to stay in the meeting.

22.                      The Secretary said that the applicant requested on 6.11.2013 for deferment of the consideration of the application for two months in order to allow time to prepare supplementary information to address various Government departments’ comments on the planning application. This was the first time that the applicant requested for deferment.

23.                      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.

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

**Agenda Item 5**

**Section 16 Application**

[Open Meeting

A/I-NEL/5

Proposed Temporary Concrete Batching Plant for a Period of 3 Years  
in “Undetermined” zone, Lot No. 30 (Part) in D.D. 362 Lantau, Tsing  
Chau Wan, Lantau

(RNTPC Paper No. A/I-NEL/5)

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24. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Ltd., one of the consultants of the applicant. Mr H.F. Leung had also declared an interest in this item as RHL Surveyors Ltd., one of the consultants of the applicant, had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, in which Mr Leung was working. As the item was for deferral of consideration of the application, Members agreed that Mr Fu and Mr Leung should be allowed to stay in the meeting.

25. The Secretary said that the applicant requested on 25.11.2013 and 26.11.2013 for deferment of the consideration of the application for two months in order to allow more time for the applicant to continue liaising with the Transport Department and Environmental Protection Department and to resolve issues related to the preparation of the revised traffic impact assessment and environmental assessment. This was the applicant’s second request for deferment.

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

[Mr T.C. Cheng and Ms Donna Y.P. Tam, Senior Town Planners/Sai Kung and Islands (STPS/SKIs), were invited to the meeting at this point.]

**Agenda Item 6**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-CC/18                      Proposed Eating Place and Shop and Services, and Minor Relaxation of Plot Ratio Restriction from 0.4 to 0.44 for Proposed Eating Place and Shop and Services in “Residential (Group C) 5” and “Village Type Development” zones, Lots 196 and 197 S.A ss.1 in D.D. Cheung Chau, Cheung Chau  
(RNTPC Paper No. A/I-CC/18A)

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**Presentation and Question Sessions**

27.                      The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as Mr Fu was the director and shareholder of LWK Conservation Ltd., which was one of the consultants of the applicant. As Mr Fu had no direct involvement in the subject application, Members agreed that he should be allowed to stay in the meeting.

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

28.                      Mr T.C. Cheng, STP/SKIs, presented the application with the aid of a PowerPoint presentation and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed eating place and shop and services, and minor relaxation of plot ratio and site coverage restrictions from 0.4 to 0.472 and 20% to 36.8% respectively;

[Dr C. P. Lau arrived to join the meeting at this point.]

- (c) departmental comments – concerned departments had no objection to or 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, 78 public comments, including 73 supporting, 4 objecting to the application as well as 1 providing comments on the application were received. The main grounds of supporting the application were that the historic building of the former Cheung Chau Theatre would be preserved and the proposed relaxation of plot ratio was not substantial; the proposal would meet the demand for a sizeable eating venue on Cheung Chau; the proposed open space within the development could ease the pedestrian congestion problem and provide public space for community activities; and the proposed development would improve the local environment. The main grounds of objection to the application were that it was more appropriate to redevelop the site into an exhibition or art performance centre to retain the original character of the former Cheung Chau Theatre and attract more tourists; the proposed eating place would create nuisance to the local residents; and the site was more appropriate for residential development. An individual commenter raised concern on the possible nuisance (i.e. noise and air) generated from the proposed eating place and suggested that appropriate mitigation measures should be incorporated in the development;
- (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. The proposed development with the minor relaxation of plot ratio and site coverage was not incompatible with the surrounding areas which comprised of mixed residential, commercial and GIC developments. The preservation of the Theatre was in line with the Government's heritage conservation policy. The proposed development would improve the existing condition and the environmental hygiene of the area. Regarding the public concerns on the possible nuisance to the local residents, landscape features would be

provided to screen the proposed development. The operation hours of the eating place from 7 am to 11 pm daily would not create nuisance to the local residents. Concerned departments including Environmental Protection Department, Drainage Services Department and Food and Environmental Hygiene Department had no objection to the application.

29. Members had no question on the application.

#### Deliberation Session

30. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.12.2017, 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 a landscape proposal including a tree preservation proposal to the satisfaction of the Director of Planning or the TPB;
- (b) the submission of a Conservation Management Plan (CMP) including a detailed conservation proposal for the graded building prior to the commencement of any works and implementation of the works in accordance with the CMP to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (c) the opening of the heritage corner (i.e. the original ticket lobby and projection room) to the public for free access on a daily basis, as proposed by the applicant, to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (d) the arrangement and provision of free guided tours at least 12 times per year (among which some, if not all, should be arranged during weekends), as proposed by the applicant, to the satisfaction of the Director of Leisure and

Cultural Services or of the TPB;

- (e) the submission and implementation of the site interpretation proposal as proposed by the applicant to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (f) the submission of an Archaeological Action Plan (AAP) prior to the commencement of any excavation works and implementation of the mitigation measures in accordance with the AAP to the satisfaction of the Director of Leisure and Cultural Services or of the TPB;
- (g) the design, construction and maintenance of sewer connection works at the applicant's own cost to the satisfaction of the Director of Drainage Services or of the TPB; and
- (h) the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB."

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

- “(a) to note the comments of the District Lands Officer/Islands, Lands Department that the site area has yet to be verified and hence, there might be consequential changes to the permitted site coverage. Application for lease modification, if approved, will be subject to such terms and conditions, including the payment of premium/fee as appropriate, as imposed by Lands Department;
- (b) to note the comments of the Chief Building Surveyor/Hong Kong East & Heritage, Buildings Department that sustainable building design should be included, the permitted plot ratio and site coverage shall be determined upon submission of building plans for approval, provision of access and facilities for persons with a disability to comply with the requirement under Building (Planning) Regulation (B(P)R) 72 is required, compliance with the requirements under Regulation 49A of the B(P)R and Subsection B21 of the Code of Practice for Fire Safety in Buildings 2011 are required if the proposed

building is intended for the purpose of places of public entertainment, provision of emergency vehicular access in accordance to B(P)R 41D and Section 6 of Part D of the Code of Practice for Fire Safety in Buildings 2011, and the provision of sanitary fitments and the drainage discharges for the proposed development should comply with Building (Standards of Sanitary Fitments, Plumbing, Drainage Works and Latrines) Regulations and PNAP ADV-28;

- (c) to note the comments of the Director of Fire Services that arrangement of Emergency Vehicular Access shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD;
- (d) to note the Chief Engineer/Hong Kong & Islands, Drainage Services Department that any foul water generated from the 'Eating Place' should be controlled properly by the applicant/lot owner to avoid flowing into the nearby surface u-channels creating odour, hygiene and pollution nuisance;
- (e) to note the comments of the Commissioner for Heritage's Office and the Antiquities and Monuments Office of the Leisure and Cultural Services Department that the conservation management plan for the proposed preservation-cum-development scheme should include, but not limited to, (a) statement of significance with the list of the character defining elements of the historic building to be preserved, condition assessment, conservation policies and guidelines, and implementation strategies; (b) evaluation of the adverse impact and proposed mitigation measures of the proposed works to the historic building; (c) documentation of the conservation project, which will be carried out by the owner of the Theatre, including the scope of works and method statements of construction works; and (d) the management and maintenance arrangements of the historic building including the proposed heritage corner; and the applicant should check/study carefully if the original roof of the Theatre is a Chinese tiled roof supporting by a timber truss and ensure that any upgrading of the drainage and sewerage facilities, if required, should not cause any adverse impact to the Theatre; and

- (f) the approval of the application does not imply that any proposal on gross floor area and site coverage concession for the proposed development will be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the gross floor area and site coverage concession is not approved/granted by the Building Authority and major changes to the current scheme are required, a fresh planning application to the Town Planning Board may be required.”

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/SK-CWBN/31 Proposed Public Utility Installation (Above Ground Gas Governor Kiosk) with the associated Excavation of Land (maximum 1.3m) in “Green Belt” zone, Government land in D.D. 229, Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/31)

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32. The Secretary reported that the application was submitted by Hong Kong and China Gas Co. Ltd. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they have current business dealings with the applicant. As the item was for deferral of consideration of the application, Members agreed that Mr Fu and Ms Lai should be allowed to stay in the meeting.

33. The Secretary said that the applicant requested on 11.12.2013 for deferment of the consideration of the application for two months in order to address the comments from the Chief Town Planner/Urban Design and Landscape of Planning Department. This was the first time that the applicant requested for deferment.

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

consideration within two months from the date of receipt of further information from the applicant. 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 8**

#### **Section 16 Application**

[Open Meeting]

A/SK-TLS/42            Proposed Public Utility Installation (Electricity Package Transformer) with the associated Excavation of Land (maximum 1.8m) in “Green Belt” zone, Government land in D.D. 253, Pak Shek Wo, Sai Kung (RNTPC Paper No. A/SK-TLS/42)

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35.            The Secretary said that the applicant requested on 3.12.2013 for deferment of the consideration of the application for two months in order to address departmental and public the comments. This was the first time that the applicant requested for deferment.

36.            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 9**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/I-NP/15                      Proposed Excavation of Land for Permitted Drainage Works in  
   “Conservation Area” zone, Government Land to the Northeast of Po  
   Lin Monastery, Ngong Ping, Lantau Island  
  
   (RNTPC Paper No. A/I-NP/15)

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**Presentation and Question Sessions**

37.                      The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with DSD. As the interest of Ms Lai was considered direct, she should be invited to leave the meeting temporarily during the discussion of and determination on this item.

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

38.                      With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

[Mr Ivan C.S. Fu returned to joint the meeting at this point.]

- (a) background to the application;
- (b) the proposed excavation of land for permitted drainage works;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 (Islands); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments in paragraph 11 of the Paper. The proposed excavation of land was covered under the Environmental Impact Assessment (EIA) Report for Drainage Improvement Works at Ngong Ping, which was approved under the EIA Ordinance on 21.4.2013. In accordance with the approved EIA Report, environmental mitigation measures such as use of silent equipment and frequent watering of works area would be carried out. The site would be reinstated to its original condition upon completion of the proposed works. The proposed excavation of land would not cause adverse environmental, ecological, landscape or geotechnical impact on the surrounding areas. The impact on the existing trees adjacent to the site was considered insignificant as appropriate tree protection measures would be implemented according to established specifications, and an approval condition on tree preservation and pruning proposal was suggested.

39. Members had no question on the application.

#### Deliberation Session

40. 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 13.12.2017, 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 including tree preservation and pruning proposals to the satisfaction of the Director of Planning or of the TPB.”

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

“to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that since the proposed excavation may affect village lampposts No. VC1694 and V6538 which are managed/maintained by Home Affairs Department (HAD)/HyD, the applicant is required to seek comment/agreement of HAD and the Chief Engineer/Lighting of HyD prior to the commencement of the excavation works.”

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/134                      Proposed Utility Installation for Private Project (A Proposed Drainage Pipe (about 16.5m Long)) in “Green Belt” zone, Government Land near Lot 279, D.D. 335, Pui O Au, South Lantau  
(RNTPC Paper No. A/SLC/134)

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

42.                      The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item as he had current business dealings with Masterplan Planning Consultants Ltd. and Urbis Ltd., two of the consultants of the applicant. Ms Janice W.M. Lai had also declared an interest in this item as she had current business dealings with Urbis Ltd. As Mr Fu and Ms Lai had no direct involvement in the subject application, Members agreed that they should be allowed to stay in the meeting.

43.                      With the aid of a PowerPoint presentation, Ms Donna Y.P. Tam, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

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

- (a) background to the application;
- (b) the proposed utility installation for private project (a proposed drainage

pipe (about 16.5m long))

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper and highlighted below :
  - (i) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservations on the application from the landscape planning point of view. The site was located on a wooded slope adjacent to the east of South Lantau Road and near to the Lantau South Country Park in the east which was covered by dense woodland and might be affected by the proposed utility installation. However, insufficient information was provided to clearly demonstrate no adverse impact arising from the proposed utility installation on the existing landscape character and resources and sufficient compensatory measure would be provided. There was also no landscape reinstatement proposal provided for those disturbed area (i.e. works area) due to the proposed excavation and construction works outside the site; and
  - (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) advised that part of the proposed works fell within Lantau South Country Park. There were no justifications provided in the submission to demonstrate the need of such alignment of works involving Country Park and whether other alternative(s) (such as the possible connection of the discharge into existing storm water drainage system or sewage system along South Lantau Road) had been sought to avoid impacting on Country Park. Direct discharge of treated sewage effluent into a natural stream in Country Park was undesirable from country park and nature conservation point of view. Should tree felling be unavoidable and compensatory planting be required, the applicant should explore suitable sites for such planting;
- (d) during the first three weeks of the statutory publication period, seven public comments from the World Wild Fund Hong Kong, Designing Hong Kong

Limited, a member of Islands District Council, Village Representatives of Lo Wai Tsuen, local villagers and a private individual raising objection to the application were received. The commenters objected to the application mainly on the grounds that the proposed drainage pipe was for private use; there was no need for a drainage pipe for the adjacent lot as it is located on a slope with no flooding problem; the proposed drainage channel would create extra discharge to the natural stream and current flooding problem would be more severe and the ecology and water quality of the stream and the downstream Pui O Ecologically Important Stream would be adversely affected and no ecological impact assessment/environmental impact assessment and drainage impact assessment had been undertaken; and the development would create adverse impacts on trees and disruption to the natural landscape and the indigenous wildlife in the subject area; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper and were summarized below :
  - (i) the proposed drainage pipe fell within an area zoned “Green Belt” (“GB” zone) on the OZP. The planning intention of the “GB” zone was primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There was a general presumption against development within this zone. The proposed drainage pipe for a private development was considered not in line with the planning intention of the “GB” zone;
  - (ii) the proposed works would involve excavation, pruning and felling of trees, construction of an open channel and discharge of storm water into a natural stream. No justification had been provided in the submission to demonstrate the need of such a drainage channel and whether other alternatives had been explored for drainage discharge. Besides, the applicant had failed to demonstrate that there would be no adverse impact arising from the proposed drainage works on the existing

landscape character and resources, and that sufficient compensatory measure would be provided. There was no strong justification for the proposed development within the “GB” zone;

- (iii) the site was located on a dense wooded slope within the Lantau South Country Park. Written consent for the proposed works would be required from the Country and Marine Parks Authority. DAFC also considered that no justification was provided in the submission to demonstrate whether alternatives had been sought to avoid the impacts on the Country Park. Apart from DAFC’s concerns, CTP/UD&L also had reservation on the application from the landscape planning point of view. Having regard to the above, it was considered that the proposed development did not comply with Town Planning Board Guidelines for Application for Development within “GB” Zone (TPB PG-No.10) in that it would cause adverse landscape impacts on the surrounding environment;
- (iv) approval of the application would set an undesirable precedent for similar applications within the "GB" zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area; and
- (v) there were public comments against the application with concerns about the adverse impacts caused by the proposed drainage pipe.

44. In response to the Chairman’s question, Ms Donna Y.P. Tam, STP/SKIs, explained the main differences between Applications No. A/I-NP/15 and A/SLC/134. For Application No. A/I-NP/15, it was a public works project aimed at upgrading the existing drainage system to alleviate the flooding risk at Ngong Ping; it had already obtained permit under EIAO; the area involved was small; and the existing trees adjacent to the site would not be affected and could be preserved and retained. For Application No. A/SLC/134, it was a private project for the provision of a drainage pipe to convey storm water from a private lot to the nearest streamcourse; the proposed works would involve excavation, pruning and felling of trees within Country Park; and the applicant had not provided any strong justification in

the submission to demonstrate the need of such a drainage channel and whether other alternatives had been explored for drainage discharge.

### Deliberation Session

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

- “(a) the application is not in line with planning intention of the “Green Belt” (“GB”) zone which is primarily to define the limits of development areas, to preserve existing well-wooded hillslopes and other natural features, as well as to provide passive recreational outlets for the local population and visitors. There is a general presumption against development within this zone. There is no strong justification for a departure from the planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone in that it will cause adverse landscape impacts on the surrounding environment; and
- (c) there is insufficient information to demonstrate that there would be no adverse impact arising from the proposed drainage works from nature conservation point of view. The approval of the application would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

**Agenda Item 11**

**Section 16 Application**

[Open Meeting]

A/TKO/96                      Proposed Social Welfare Facility (Residential Care Home for the Elderly) in “Green Belt” and “Road” zones, Lot 146 in D.D. 224 and Adjoining Government Land, Tseung Kwan O  
(RNTPC Paper No. A/TKO/96)

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46.            The Secretary reported that the applicant requested on 25.11.2013 for deferment of the consideration of the application for two months so as to allow time to prepare further information to address comments from the Transport Department and Social Welfare Department. This was the first time that the applicant requested for deferment.

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

[The Chairman thanked Mr T.C. Cheng and Ms Donna Y.P. Tam, STPs/SKIs, for their attendance to answer Members’ enquires. Mr Cheng and Ms Tam left the meeting at this point.]

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

**Agenda Item 12**

Section 12A Application

[Open Meeting]

Y/FSS/10

Application for Amendment to the Draft Fanling / Sheung Shui Outline Zoning Plan No. S/FSS/17, To rezone the application site from “Village Type Development” and “Green Belt” to “Government, Institution or Community (1)” in “Green Belt” and “Village Type Development” zones, Lot Nos. 4574 (part) and 5542 in D.D. 51, Wo Hop Shek, Fanling  
(RNTPC Paper No. Y/FSS/10)

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48. The Secretary reported that the applicant requested on 2.12.2013 for deferment of the consideration of the application for two months so as to prepare further submission to address Transport Department’s comments. This was the first time that the applicant requested for deferment.

49. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 13**

**Section 16 Application**

[Open Meeting]

A/MOS/96

Proposed Residential Institution (Off-campus Student Hostel) with Minor Relaxation of Non-domestic Gross Floor Area Restriction for Ancillary Facilities Serving the Student Hostel in “Comprehensive Development Area (1)” zone, STTL 502, STTL574 and Adjoining Government Land near Lok Wo Sha, Ma On Shan  
(RNTPC Paper No. A/MOS/96)

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50. The Secretary reported that the application was submitted by the City University of Hong Kong. Mr H. F. Leung, Mr Rock Chan and Mr Timothy Ma had declared interests in this item as Mr Leung was a Part-time Lecturer of the City University of Hong Kong, Mr Chan was a Member of Court of the City University of Hong Kong, and Mr Ma was an Executive Director, Project Flame of the City University of Hong Kong. Members noted that Mr Rock Chan had tendered apologies for not being able to attend the meeting. As the item was for deferral, Members agreed that Mr Leung and Mr Ma should be allowed to stay in the meeting.

51. The Secretary said that the application had been deferred once. The applicant on 26.11.2013, 28.11.2013 and 2.12.2013 submitted further information in response to the comments made by the Agriculture, Fisheries and Conservation Department, Urban Design and Landscape Section of Planning Department (PlanD), and Lands Department. As more time was required to consult relevant Government departments, PlanD requested the application be deferred for one month pending relevant departments’ comments on the further information submitted by the applicant.

52. After deliberation, the Committee decided to defer a decision on the application as requested by the PlanD. The Committee agreed that the application should be submitted for its consideration within one month upon receipt of further comments from relevant departments on the further information.

**Agenda Item 14**

**Section 16 Application**

[Open Meeting]

A/ST/826                      Proposed Place of Recreation, Sports or Culture (Sports Centre) in  
“Open Space” and “Village Type Development” zones, Sha Tin Tau  
Road, Sha Tin Area 24D (opposite Chun Shek Estate)  
(RNTPC Paper No. A/ST/826)

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53.            The Secretary reported that the application was submitted by the Leisure and Cultural Services Department. Ms Janice W.M. Lai had declared interests in this item as she had current business dealings with the applicant. As the item was for deferral of consideration of the application, Members agreed that Ms Lai should be allowed to stay in the meeting.

54.            The Secretary also reported that the application had been deferred once. The applicant requested on 21.11.2013 for further deferment of the consideration of the application for two months to allow the applicant to consult the Sha Tin District Council (STDC) on 19.12.2013 and make necessary change to the proposal (if any) arising from the STDC consultation.

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

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

**Agenda Item 15**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/833                      Shop and Services (Real Estate Agency) in “Industrial” zone, Unit 4A,  
G/F, Hopeful Factory Centre 10-16 Wo Shing St, Fo Tan  
(RNTPC Paper No. A/ST/833)

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**Presentation and Question Sessions**

56.            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 (real estate agency);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned 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 (Sha Tin); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application on a temporary basis for a period of three years based on the assessments made in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

57. Members had no question on the application.

Deliberation Session

58. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014; and
- (b) if the above planning condition 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.”

59. 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 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 premises will not be jeopardized;
- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration may not be given by the Committee to any further application;
- (d) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;

- (e) note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) 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 a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected;
  
- (f) note the comments of the Director of Fire Services that:
  - (i) 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 for the area under application;
  
  - (ii) regarding matters in relation to fire resisting construction of the premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the BD; and
  
- (g) 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 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/81                      Proposed Temporary Open Storage (Leasing Containers for Storage Use) for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 2464, 2465 and 2466 in D.D. 39, Shek Chung Au, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/81)

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### **Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed temporary open storage (leasing containers for storage use) for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper and highlighted below :
  - (i)    the Commissioner for Transport (C for T) would not render support to the application. As the access road leading from Sha Tau Kok Road to the site is narrow and substandard. The applicant should provide a scaled plan clearly indicating the vehicular manoeuvring space from Sha Tau Kok Road to the site, preferably by using swept-path analysis. Noting that there were containers on the site, the C for T was in doubt the applicant’s claim of not using medium/heavy goods vehicles. The access road leading from Sha Tau Kok Road to the site would be conflict with an existing bus stop lay-by. Should the application be approved, an approval condition on relocation of the existing bus stop by the applicant should be imposed;

- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (about 12m from the closest domestic structure) and environmental nuisance was expected;
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agriculture point of view as the site fell partly within the “Agriculture” (“AGR”) zone and the potential for agricultural rehabilitation of the site was high;
  - (iv) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from landscape planning perspective. Although significant changes or disturbance to the existing landscape resources were not anticipated, the proposed use was incompatible to the surrounding rural landscape character. Approval of the application might set an undesirable precedent that would encourage more open storage use in the area and deteriorate the rural landscape character where the site was located. In addition, no tree preservation or landscape proposal was submitted;
- (d) during the first three weeks of the statutory publication period, four public comments were received from two North District Council (NDC) members, a villager of Shek Chung Tsuen and Designing Hong Kong Limited (DHKL). A NDC member had no comment on the application and requested the administration to consult villagers nearby. Another NDC member and a villager of Shek Chung Tsuen raised objection to the application mainly for the reasons of adverse traffic impact and hazard to pedestrian. The DHKL objected to the application on grounds that the applied use was incompatible with the “AGR” zone, no traffic and environmental impact assessments had been completed, there was no details on the provision of vehicular access and parking spaces leading to land degradation, there was sufficient supply of storage space to satisfy current and future demand, the proposed temporary open storage use would

cause long-lasting agricultural impact and the supply of farmland should be safeguarded;

- (e) the District Officer (North) received local views from a NDC member who objected to the application on the grounds of adverse traffic impact and hazard to pedestrian as the access road leading from Sha Tau Kok Road to the site was close to a bus-stop, a clinic, an international school, a police station and an access of Wu Shek Kok Village;
- (f) the Planning Department (PlanD)'s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Paper and were summarized below :
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone and the DAFC did not support the subject application from an agricultural development standpoint as the potential for agriculture rehabilitation of the site was high. The planning intention of “Village Type Development” (“V”) zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. There was no strong planning justification in the submission for a departure from the planning intention of “AGR” and “V” zones, even on a temporary basis;
  - (ii) the application did not comply with Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E) in that the site was not subject to any previous approval for similar open storage use; the proposed development was incompatible with the surrounding land uses which were predominantly rural in character, and there were residential dwellings in close proximity to the site. The applicant had also failed to demonstrate that the proposed development would not have adverse traffic and environmental impacts on the surrounding areas. There were adverse departmental comments and local objection received in relation to the application. There were no exceptional circumstances to justify sympathetic consideration to the

application;

- (iii) the temporary open storage use under application was incompatible with the surrounding areas which were predominantly rural in nature. The CTP/UD&L, PlanD objected to the application from the landscape planning point of view. Approval of the application would set an undesirable precedent and encourage more open storage uses in the surrounding areas and deteriorate the rural landscape character where the site was located;
- (iv) the DEP did not support the application as there were village houses in the vicinity of the site and the closest domestic structure was about 12m from the site. Thus the temporary use under application would cause environmental nuisance to the nearby residents. On the traffic aspect, C for T did not support the application as there was a lack of information on the vehicular manoeuvring space from Sha Tau Kok Road to the site. The access road leading from Sha Tau Kok Road to the site would be in conflict with an existing bus-stop lay-by;
- (v) there was no previous or similar planning permission for open storage use at or near the site. Approval of the application would set an undesirable precedent for other similar applications within the “AGR” and “V” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area; and
- (vi) there were adverse public comments on land use compatibility, traffic and environmental grounds.

61. Members had no question on the application.

#### Deliberation Session

62. 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 application is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. The planning intention of “Village Type Development” (“V”) zone is to designate both existing recognised villages and areas of land considered suitable for village expansion. Land within this zone is primarily intended for development of Small Houses by indigenous villagers. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No.13E) in that there is no previous planning approval for open storage use granted at the site; there were adverse comments from the relevant government departments and local objections against the application; and the applicant has failed to demonstrate that the proposed development would have no adverse traffic, environmental and landscape impact on the surrounding areas;
- (c) the development for temporary open storage (leasing containers for storage use) is incompatible with the surrounding land uses which are predominantly rural in character with a mixture of residential dwellings/structures and fallow agricultural land; and
- (d) approval of the application would set an undesirable precedent for other similar applications within the “AGR” and “V” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

**Agenda Item 17**

**Section 16 Application**

[Open Meeting]

A/NE-FTA/123      Proposed Asphalt Plant in “Open Storage” zone, Lots 20 RP, 21 and 23  
RP (Part) in D.D. 88 and Adjoining Government Land, East of Man  
Kam To Road, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/123)

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63.            The Secretary reported that this was the applicant’s fourth request for deferment. The applicant requested on 3.12.2013 for further deferment of the consideration of the application for two months to allow sufficient time for the applicant to assess the air quality impacts of the proposed asphalt plant in accordance with the new Air Quality Objectives which would be issued in January 2014 by the Environmental Protection Department, and to conduct a new traffic survey to address Transport Department’s latest comments on the application.

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

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/21            Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture” zone, Lots 534 (Part), 535 and 536 (Part) in D.D. 84, Lots 460 RP and 463 RP (Part) in D.D. 87, Hung Lung Hang  
(RNTPC Paper No. A/NE-HLH/21A)

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**Presentation and Question Sessions**

65.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed temporary open storage of construction materials for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper and highlighted below :
  - (i)    the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural development standpoint as the site was of high potential for agricultural rehabilitation;
  - (ii)   the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers in the vicinity of the site, i.e. domestic structures in the east and south, and environmental nuisance was expected; and
  - (iii)  the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had objection to the application from

the landscape planning point of view. The proposed open storage use was not compatible with the surrounding rural character. In addition, the tree group and vegetation within the Site would be affected by the proposed use. Significant impacts to existing landscape resources and character are anticipated. The proposed open storage use was not compatible with the surrounding rural character. In addition, the tree group and vegetation within the site would be affected by the proposed use. Significant impacts to existing landscape resources and character were anticipated. No tree preservation and landscape proposal had been submitted by the applicant. Approval of the application would likely encourage more open storage use in the area leading to further deterioration of the rural landscape character;

- (d) during the first three weeks of the statutory publication period, three public comments were received from a North District Council (NDC) member, Hong Kong Limited (DHKL) and Kadoorie Farm and Botanic Garden Corporation (KFBG). The NDC member indicated no comment on the application, while the remaining two comments objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone and the site was currently vegetated; agricultural land in Hong Kong should not be further reduced in order to safeguard our food supply; approval of the application would set an undesirable precedent for other similar applications; and the proposed development would result in adverse environmental impacts on the surroundings and the cumulative impact of approving these applications should be taken into account; and
- (e) the District Officer (North) received local views from the Indigenous Inhabitant Representative and the Resident Representative of Tai Po Tin who raised objection to the application on the ground that the proposed development would cause adverse traffic and environmental impacts to the surrounding area;
- (f) the Planning Department (PlanD)’s views – PlanD did not support the

applications based on the assessments made in paragraph 12 of the Paper and were summarized below :

- (i) the proposed development under application was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good 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. The DAFC did not support the application from an agricultural development standpoint as the site was of high potential for agricultural rehabilitation. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (ii) the proposed development was incompatible with the surrounding rural character. Although there were open storage yards located in the vicinity of the site, they were suspected unauthorised developments subject to enforcement action by the Planning Authority. In this connection, CTP/UD&L, PlanD had objection to the application from the landscape planning point of view. Approval of the application would likely encourage more open storage use in the area leading to further deterioration of the rural landscape character. Besides, DEP did not support the application as there were domestic structures in the vicinity of the site; the closest one was located to the immediate south of the site. The proposed open storage use would cause environmental nuisance to the nearby residents;
- (iii) the application did not comply with Town Planning Board Guidelines No. 13E for ‘Application for Open Storage and Port Back-up Uses’ (TPB PG-No.13E) in that the site was not subject to any previous planning approval for similar open storage use; the use under application was not compatible with the surrounding rural character; there were adverse departmental comments on the application; and the applicant had failed to demonstrate that the proposed development would not have adverse environmental and landscape impacts on the

surrounding area; and

- (iv) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.

66. Members had no question on the application.

### Deliberation Session

67. 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 application is not in line with the planning intention of the “Agriculture” (“AGR”) zone for the area which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. It is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from such planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board Guidelines No. 13E in that there is no previous planning approval granted at the site; the proposed development is not compatible with the surrounding land uses which are predominantly rural in character; there are adverse departmental comments on the application; and the applicant has failed to demonstrate that the development would have no adverse environmental and landscape impacts on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of

the environment of the area.”

## **Agenda Item 19**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/44                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1512 S.B in D.D. 91, Kai Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/44A)

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### **Presentation and Question Sessions**

68.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the perspective of agricultural development as active agricultural activities were noted adjacent to the site and the site was of high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, the application only involved construction of one Small House. C for T considered the application could be tolerated unless it was rejected on other grounds;
- (d)    during the first three weeks of the statutory publication period, six public comments were received. Among the public comments received, a North

District Council member supported the application as it could facilitate villagers to build Small House. Three public comments were received from private individuals stating objection to the application on the grounds that village land should be reserved for indigenous villagers of their own clan and approval of the application would set an undesirable precedent for other similar applications. Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the agricultural land should be retained to safeguard the food supply for Hong Kong; the site and its surroundings had high potential for agricultural rehabilitation; approval of the case would set undesirable precedent for similar applications; there were no environmental, traffic, drainage and sewage assessments provided; there was a lack of plan for a sustainable village layout to ensure the health and well-being of the current and future residents; and most villagers building houses for financial gain, but not for domestic purpose;

- (e) the District Officer (North) received local views from the Indigenous Inhabitant Representative of Ping Kong who objected to the application on the grounds that they did not support cross-village applications and Ping Kong villagers should be consulted; and
- (f) 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 DAFC did not support the application from an agricultural point of view, it should be noted that the footprint of the proposed Small House fell entirely within the village ‘environs’ of Kai Leng and there was insufficient land within the “V” zone of the same village to meet the Small House demand. The proposed Small House development was not incompatible with the surrounding area which was of rural landscape character dominated by farmlands, tree groups and scattered village houses. Besides, the application could be tolerated by C for T. Regarding the adverse public comments, it was considered that the proposed Small House development would not have significant adverse impacts on the traffic,

environment, drainage and landscape of the surrounding area. Relevant Government departments had no adverse comment on or no objection to the application. As for the objections to the application for it was a cross-village Small House application at Ping Kong Village, it was noted that the site was within Kai Leng Village, not Ping Kong Village.

69. Members had no question on the application.

#### Deliberation Session

70. 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 13.12.2017, 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 drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicant 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 his department's standards; and

- (ii) the site is located within the flood pumping gathering ground;
- (c) 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 Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that any access road leading from Yu Tai Road to the site is not maintained by HyD; and
- (e) 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 Items 20 and 21**

### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-PK/45                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 1600 S.A in D.D. 91, Kai Leng, Sheung Shui  
(RNTPC Paper No. A/NE-PK/45 and 46)

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A/NE-PK/46 Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lots 1591 S.B and 1600 S.B in D.D. 91, Kai Leng,  
Sheung Shui  
(RNTPC Paper No. A/NE-PK/45 and 46)

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Presentation and Question Sessions

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

73. Mr Wallace W.K. Tang, STP/STN, presented the applications and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed houses (New Territories Exempted Houses - Small Houses)
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Commissioner for Transport (C for T) had reservation on the applications and advised that Small House developments should be confined within the “Village Type Development” (“V”) zone as far as possible. Notwithstanding the above, the applications only involved construction of two Small Houses. C for T considered the applications could be tolerated unless they were rejected on other grounds. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) advised that existing water mains would be affected and needed to be diverted outside the site boundary of the proposed developments to lie in Government land;
- (d) during the first three weeks of the statutory publication period, three public comments on each application were received. Among the public comments received, a North District Council member supported both applications as they could facilitate villagers to build Small House.

Kadoorie Farm & Botanic Garden Corporation and Designing Hong Kong Limited objected to the applications mainly on the following grounds that the proposed developments were not in line with the planning intention of “AGR” zone; the agricultural land should be retained to safeguard the food supply for Hong Kong; there were no environmental, traffic, drainage and sewage assessments provided; the subject sites and their surroundings had high potential for agricultural rehabilitation; and approval of the cases would set undesirable precedent for similar applications;

- (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. Since CE/Dev(2), WSD commented that existing water mains would be affected and needed to be diverted outside the site boundary of the proposed Small Houses to lie in Government land, an approval condition on the diversion of water mains was recommended. Besides, the application could be tolerated by C for T. Regarding the adverse public comments, it was considered that the proposed Small House development would not have significant adverse impacts on the traffic, environment, drainage and landscape of the surrounding area. Relevant Government departments had no adverse comment on or no objection to the application.

74. Members had no question on the application.

#### Deliberation Session

75. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 13.12.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission of each of the applications was subject to the following conditions :

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

- (b) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (c) the submission and implementation of proposal for water mains diversion before the commencement of works to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available;
- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
  - (i) existing water mains will be affected and needs to be diverted outside the site boundary of the proposed development to lie in Government land (Plan A-2). A strip of land of 1.5m in width should be provided for the division of the existing water mains. The grantee/applicant shall bear the cost of any necessary diversion works affected by the proposed development; and
  - (ii) the site is located within the flood pumping gathering ground;
- (c) to note the comments of Director of Fire Services that the applicant is 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 applications referred by LandsD;
- (d) to note the comments of the Chief Highway Engineer/New Territories East,

Highways Department (HyD) that any access road leading from Yu Tai Road to the site is outside HyD's maintenance jurisdiction; and

- (e) 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 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/457      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 612 S.B in D.D. 82, Lei Uk Tsuen, Ta Kwu  
Ling  
(RNTPC Paper No. A/NE-TKL/457)

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### **Presentation and Question Sessions**

77.      Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. They were summarised below :
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not

support the application as active farming was currently undertaking in the vicinity of the site and the site itself had high potential for agricultural rehabilitation;

- (ii) the Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, as the application only involved construction of one Small House, it was considered that the application could be tolerated unless it was rejected on other grounds; and
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed development from the landscape perspective as the site was surrounded by farmland, village houses to the further north, wooded “Green Belt” (“GB”) zone to the south. Approval of the proposed Small House application might set an undesirable precedent of spreading village development outside the “V” zone and would thus erode the existing rural landscape character;
- (d) during the first three weeks of the statutory publication period, four public comments were received from a North District Council (NDC) member, a private individual, Kadoorie Farm and Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited (DHKL). A NDC member considered the proposed Small House was good for the villager and supported the application. A private individual raised objection to the application mainly for reasons that the surrounding areas were active agricultural land; the proposed Small House development would affect the sunlight penetration and drainage system of the farmland; and another proposed Small House (Application No. A/NE-TKL/458) to the immediate west of the site had included a section of an existing footpath which might affect the access to the nearby farmlands. KFBG and DHKL objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the Town Planning

Board should consider the cumulative impact of approving such applications; Small Houses development should be confined within the “V” zone; the Government should protect and conserve Hong Kong’s farmland to safeguard our food supply; and the submission had not included relevant technical assessments to demonstrate that the proposed Small House would not result in unacceptable impacts on the surroundings; and

- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for the following reasons detailed in paragraph 11 of the Paper:
  - (i) the proposed development was 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. DAFC did not support the application from agricultural development point of view as active farming activities were found in the vicinity of the site within the subject “AGR” zone;
  - (ii) the application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that although the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen, the proposed Small House development would frustrate the planning intention of the “AGR” zone where active agricultural activities were found;
  - (iii) CTP/UD&L, PlanD had reservation on the proposed development from the landscape planning perspective as the site was surrounded by farmland with wooded “GB” zone to the south. Approval of the proposed Small House application might set an undesirable precedent of spreading of Small House developments outside the “V” zone thus eroding the existing rural landscape character. Besides, C for T

considered that Small House developments should be confined within the “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 developments outside the “V” zone;

- (iv) the applicant claimed that similar Small House applications, namely Lot 659 S.A to S.C, Lots 669 S.A to S.C and RP, Lots 671 S.A and S.B and Lots 680 S.A RP in D.D 82, had been approved by the Committee. However, it was noted that the concerned lots are located at the eastern fringe of the “V” zone close to the village proper of Lei Uk Tsuen. The site circumstances were very different from the site under the current application. The ten applications for Small House development within the ‘VE’ to the east of Lei Uk (which was about 20m from the village proper) had been approved by the Committee between 2002 and 2011. There was no similar application for Small House development within the concerned “AGR” zone to the west of “V” zone of Lei Uk Tsuen; and
- (v) there were adverse public comments on the application.

78. Members had no question on the application.

#### Deliberation Session

79. 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” zone 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 current submission for a departure from the planning intention; and

- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen 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 infrastructures and services.”

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/458      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 612 S.A in D.D. 82, Lei Uk Tsuen, Ta Kwu  
Ling  
(RNTPC Paper No. A/NE-TKL/458)

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

80.      Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. They were summarised below :
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active farming were currently undertaking in the vicinity of the site and the site itself had high potential for agricultural rehabilitation;

- (ii) the Commissioner for Transport (C for T) had reservation on the application and advised that Small House development should be confined within the “Village Type Development (“V”) zone as far as possible. Notwithstanding the above, as the application only involved construction of one Small House, it was considered that the application could be tolerated unless it was rejected on other grounds; and
- (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed development from the landscape perspective as the site was surrounded by farmland, village houses to the further north, wooded “Green Belt” (“GB”) zone to the south. Approval of the proposed Small House application might set an undesirable precedent of spreading village development outside the “V” zone and would thus erode the existing rural landscape character;
- (d) during the first three weeks of the statutory publication period, four public comments were received from a North District Council (NDC) member, a private individual, Kadoorie Farm and Botanic Garden Corporation (KFBG) and Designing Hong Kong Limited (DHKL). A NDC member considered the proposed Small House was good for the villager and supports the application. A private individual raised objection to the application mainly for reasons that the surrounding areas were active agricultural land; the proposed Small House development would affect the sunlight penetration and drainage system of the farmland; and the site had included a section of an existing footpath which might affect the access to the nearby farmlands. The KFBG and DHKL objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; the Town Planning Board should consider the cumulative impact of approving such applications; Small Houses development should be confined within the “V” zone; the Government should protect and conserve Hong Kong’s farmland to safeguard our food supply; and the submission had not included relevant

technical assessments to demonstrate that the proposed Small House would not result in unacceptable impacts on the surroundings; and

- (e) the Planning Department (PlanD)'s views –PlanD did not support the application for the following reasons detailed in paragraph 11 of the Paper:
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone 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. DAFC did not support the application from agricultural development point of view as active farming activities were found in the vicinity of the site within the subject “AGR” zone;
  - (ii) the application did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories in that although the proposed Small House footprint fell entirely within the village ‘environs’ (‘VE’) to the west of Lei Uk Tsuen and there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Lei Uk Tsuen, the proposed Small House development would frustrate the planning intention of the “AGR” zone where active agricultural activities were found;
  - (iii) CTP/UD&L, PlanD had reservation on the proposed development from the landscape planning perspective as the site was surrounded by farmland with wooded “GB” zone to the south. Approval of the proposed Small House application might set an undesirable precedent of spreading of Small House development outside the “V” zone thus eroding the existing rural landscape character. Besides, C for T considered that Small House developments should be confined within the “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;

- (iv) the applicant claimed that similar Small House applications, namely Lot 659 S.A to S.C, Lots 669 S.A to S.C and RP, Lots 671 S.A and S.B and Lots 680 S.A RP in D.D 82, had been approved by the Committee. However, it was noted that the concerned lots are located at the eastern fringe of the “V” zone close to the village proper of Lei Uk Tsuen. The site circumstances were very different from the site under the current application. The ten applications for Small House development within the ‘VE’ to the east of Lei Uk (which was about 20m from the village proper) had been approved by the Committee between 2002 and 2011. There was no similar application for Small House development within the concerned “AGR” zone to the west of “V” zone of Lei Uk Tsuen; and
- (v) there were adverse public comments on the application.

81. Members had no question on the application.

#### Deliberation Session

82. 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” zone 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 current submission for a departure from the planning intention; and
- (b) land is still available within the “Village Type Development” zone of Lei Uk Tsuen 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 infrastructures and services.”

## **Agenda Item 24**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/459      Proposed Filling of land for construction of a vehiular access road ancillary to permitted agricultural use in “Agriculture” zone, Lots 1932 S.B RP (Part ) and 1932 S.B ss.1 RP (Part ) in D.D.76, Pak Tin New Village, Sha Tau Kok  
(RNTPC Paper No. A/NE-TKL/459)

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### **Presentation and Question Sessions**

83.      Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed filling of land for construction of a vehiular access road ancillary to permitted agricultural use;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper and highlighted below :
  - (i)    the Director of Agriculture, Fisheries and Conservation (DAFC) commented that the site and its surrounding areas were currently not developed for agricultural use. There was no concrete plan or proposal included in the submission for developing the site for agricultural use, except that the site had been paved with debris which had already damaged the original farmland. DAFC was in doubt the intention of the application and did not support the application;

[Dr C.P. Lau left the meeting at this point.]

- (ii) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) has reservation on the application from the landscape planning perspective. When comparing with the aerial photograph taken in January 2013 and CTP/UD&L's recent site visit, it was observed that the existing trees and farmland within the site had been removed and replaced by filled materials. Disturbances to the existing landscape character and resources had taken place. It was suspected that "Destroy First, Build Later" approach had been adopted. Approval of the application would likely encourage unauthorised land filling in the area leading to further deterioration of the rural landscape resources;
- (iii) the Commissioner for Transport (C for T) did not support the application. The applicant was required to submit a scaled layout plan showing the ingress/egress point, car parking and loading/unloading layout as well as the vehicular manoeuvring space within the site, preferably by using swept-path analysis, and the information related to the type of transportation vehicles and the estimated number of daily, hourly vehicle trips to/from the site;
- (d) during the first three weeks of the statutory publication period, seven public comments from five locals residents, the World Wide Fund for Nature of Hong Kong (WWF) and Kadoorie Farm & Botanic Garden Corporation (KFBG) were received. Their views are summarised below ;
  - (i) the local residents pointed out that the only access to Pak Tin New Village had been blocked and damaged by the applicant. The land filling in the past few months and construction of the enclosing walls around the site had already caused flooding to the area. The filling of land and tree felling activities for construction of the vehicular access road had significantly changed the natural landscape of the surrounding areas. The commenters suspected that the proposed land

filling for construction of a vehicular access road was a prelude to an unauthorised development;

- (ii) construction of the proposed vehicular access road would increase the traffic flow of heavy vehicles to the nearby open storages site and would endanger the residents and road users;
  - (iii) WWF concerned that the applicant had adopted a “destruction first” approach to facilitate the approval process; and
  - (iv) KFBG pointed out that the site and its immediate areas were covered with construction materials. If construction materials were further deposited in the area, the soil quality would be degraded and this might further reduce the potential for agricultural use;
- (e) the District Officer (North) (DO(N)) received local views from a North District Council member who raised objection to the application without giving reason; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper and were summarized below :
- (i) the applicant had failed to demonstrate in the submission in specific the necessity of the proposed road in supporting the agricultural development on the farmland. In fact, no information on the proposed agricultural development had been submitted. According to PlanD’s recent site inspection, the site had already been paved with construction waste and debris and the land on the two sides of the site had been laid with similar filled materials. In this regard, DAFC casted doubts on the intention of the application and commented that paving of the site with debris had already damaged the original farmland. DAFC considered that the site should be retained for agricultural rehabilitation and did not support the application from agricultural development

standpoint;

- (ii) the CTP/UD&L, PlanD pointed out that when comparing with the aerial photograph taken in January 2013 and his recent site visit, the existing trees and farmland within the site had been removed and replaced by filled materials. Disturbances to the existing landscape character and resources had been taken place. In this regard, the CTP/UD&L, PlanD had reservation on the application and advised that approval of the application would likely encourage unauthorised land filling in the area leading to further deterioration of the rural landscape resources;
- (iii) C for T commented that the applicant has not submitted the required information to demonstrate that the proposed development would not result in unacceptable traffic impact on the surrounding area, including the provision of a scaled layout plan to show the ingress/egress point, car parking and loading/unloading layout as well as the vehicular manoeuvring space within the site. The applicant had also failed to provide the information related to the type of transportation vehicles and the estimated number of daily, hourly vehicle trips to/from the site. As such, C for T did not support the application;
- (iv) there was no similar application for filling of land in the Ta Kwu Ling area. The approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such applications would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding area; and
- (v) there were local objection conveyed by DO(N) and adverse public comments received from the local villagers/residents as well as WWF and KFBG.

84. Members had no question on the application.

Deliberation Session

85. 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 filling of land for construction of a vehicular access road ancillary to agricultural use is not in line with the planning intention of the “Agriculture” (“AGR”) zone 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. The applicant has failed to demonstrate in the submission that the proposed land filling is essential for genuine agricultural propose;
- (b) the applicant has failed to demonstrate in the submission that the proposed development would not cause adverse traffic and landscape impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area and adverse traffic and landscape impacts on the surrounding areas.”

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/460      Proposed Temporary Open Storage of Construction Materials for a  
Period of 3 Years in “Agriculture” zone, Lot 965RP(Part) &  
966RP(Part) in D.D. 82, Ping Che Road, Ping Che  
(RNTPC Paper No. A/NE-TKL/460)

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**Presentation and Question Sessions**

86.            Mr Wallace W.K. Tang, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed temporary open storage of construction materials 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 agricultural point of view as agricultural activities in the vicinity were active and the potential for agricultural rehabilitation of the site was high. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers (a domestic structure) in the vicinity of the site and environmental nuisance was expected;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who advised that while there was no comment on the application, more consultation to the residents nearby should been done. The District Officer (North) received local views from the Ta Kwu Ling District Rural Committee (TKLDRC) objecting to the application on the grounds that the

development might cause adverse traffic impact to Ping Che Road when heavy goods vehicles visited the site; and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone, and DAFC did not support the application from an agricultural development point of view, given that the site had been hard paved and approved for similar uses of open storage of building materials on a temporary basis between 2001 to 2010, it was considered that the approval of the application on a temporary basis for a period of three years would not frustrate the planning intention of the “AGR” zone. To address DEP's concern, approval conditions restricting the operations hours and no operation on Sundays and public holidays during the planning approval period are recommended. Moreover, the applicant would be advised to follow the environmental mitigation measures set out in the revised “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”. Regarding the local objection from TKLDRC against the application on the ground that the open storage use might cause adverse traffic impact to Ping Che Road, it was considered that concerned Government departments including Commissioner for Transport and Chief Highway Engineer/New Territories East, Highways Department had no objection to or no adverse comment from traffic and highway point of view.

87. Members had no question on the application.

#### Deliberation Session

88. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 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, should be allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored within five metres of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (d) the peripheral fencing and paving of the site shall be maintained at all times during the planning approval period;
- (e) the submission of a condition record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.3.2014;
- (f) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;
- (g) in relation to (f) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (h) the submission of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (i) in relation to (h) above, the provision of water supplies for fire-fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;

- (j) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;
- (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; and
- (l) if any of the above planning conditions (e), (f), (g), (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.”

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

- “(a) to note the District Lands Officer/North, Lands Department’s comments on the following:
  - (i) a pump house and a portion of the aforesaid water tank were found on the portion of Lot 966 RP in D.D. 82 within the project limit of “PWP Item No. 119CD Drainage Improvement in Northern New Territories – Package C (Remaining Works)” adjoining the western boundary of the site. The applicant should be advised to demolish and remove the said pump house and portion of water tank should the application be approved by the TPB; and
  - (ii) the owners of the lots should be advised to apply to his office for a Short Term Waiver (STW) for the existing / proposed structures. There is no guarantee that STW will be granted to the applicant. If the STW is granted, the grants will be made subject to such terms and conditions to be imposed as the government shall deem fit to do so including the payment of STW fees;

- (b) to note the Chief Engineer/Development (2), Water Supplies Department's comments that the site is located within the flood pumping gathering ground;
- (c) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection in order to minimise any possible environmental nuisances;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that:
  - (i) if the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;
  - (ii) for unauthorized building works (UBW) erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO; and
  - (iii) use of movable containers as site office or store is considered as temporary buildings and is subject to control under Building (Planning) Regulations Part VII;
- (e) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the existing drainage facilities should be maintained properly and rectify those facilities if it is found inadequate/ineffective during operation;
- (f) to note the Chief Town Planner/Urban Design and Landscape, Planning

Department's comments that when compared with the implemented and accepted landscape works for the previous application, 9 existing trees are found missing and replaced by weed trees on the site. The applicant is required to replace the missing trees and weed trees; and

- (g) to note the Director of Fire Services' comments on the following:
  - (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
  - (ii) in such circumstance, except where building plan is circulated to the Centralised Processing System of BD, the applicant is required to send the relevant layout plans to his department incorporated with the proposed FSIs for his approval. In preparing the submission, the applicant is advised on the following points:
    - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
    - (b) the location of the proposed FSI and the access for emergency vehicles should be clearly marked on the layout plans; and
  - (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal.”

**Agenda Item 26**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/455      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Lot 856 S.A in D.D. 9, Yuen Leng, Kau Lung  
Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/455)

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**Presentation and Question Sessions**

90.            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 - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. While the site fell within Water Gathering Ground (WGG), the Chief Engineer/Consultants Management, Drainage Services Department (CE/CM, DSD) advised that public sewerage connection point would be provided in the vicinity of the site. However, since the sewerage scheme was degazetted on 29.10.2010, there was no fixed programme at this juncture for the public sewerage works. As there was no committed/implementation programme for the planned public sewerage system in the area and the sewage discharge from the proposed house would have potential to cause water pollution to the WGG, the Director of Environmental Protection (DEP) and the Chief Engineer/ Development(2), Water Supplies Department (CE/Dev(2), WSD) did not support the application. The Commissioner for Transport (C for T) had reservation on the proposed development as NTEH/Small House should be confined within “Village Type Development” (“V”) zone as far as possible. However, as the application only involved development of

one Small House. C for T considered that this application could be tolerated unless it was rejected on other grounds;

- (d) during the first three weeks of the statutory publication period, one public comment was received from the Designing Hong Kong Limited. The commenter objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “AGR” zone; approval of the application would set an undesirable precedent for similar applications and would have adverse cumulative impact on agricultural land. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper and were summarized below :
  - (i) the site fell entirely within the “AGR” zone. The proposed development was not in line with the planning intention of “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;
  - (ii) the proposed development did not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the WGG would not be able to be connected to the planned sewerage system in the area as there was no fixed programme for implementation of such system at this juncture. DEP and CE/Dev(2) of WSD did not support the application and raised concern that the sewage discharge from the proposed Small House would have potential to cause water pollution to WGG. Similar Applications (No. A/NE-KLH/444 and 445) in the vicinity of the site were rejected by the Town Planning Board (TPB) on review on the

same considerations. There was no strong reason to deviate from the TPB's latest decision; and

- (iii) there was public comment objecting to the application mainly on the grounds of planning intention; undesirable precedent for similar applications and adverse cumulative impact on agricultural land.

91. In response to the Chairman's question, Mr C.T. Lau, STP/STN, clarified that similar applications for Small House development in the vicinity of the site were approved mainly on considerations that the proposed developments were generally in line with the Interim Criteria or the application sites involved previous planning approvals and they would be able to be connected to the planned sewerage in the area at the time of consideration. For the current application, the planning circumstances had changed as the sewerage scheme previously planned for Yuen Leng Village was degazetted on 29.10.2010 and there was still no fixed programme at this juncture for the concerned public sewerage works. In this regard, the proposed Small House located within the WGG would not be able to be connected to the planned sewerage system in the area.

#### Deliberation Session

92. 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 reason was :

“the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed Small House located within the water gathering ground will not be able to be connected to the planned sewerage system in the area as there is no fixed programme for implementation of such system at this juncture.”

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/489            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 1569 S.A  
ss.2 in D.D. 19, Ha Tin Liu Ha Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/489)

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**Presentation and Question Sessions**

93.            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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site fell largely within the “Agriculture” (“AGR”) zone and had high potential for rehabilitation for agricultural activities;
- (d) during the first three weeks of the statutory publication period, one public comment by Designing Hong Kong Limited (DHKL) was received. DHKL objected to the application mainly on the grounds that the site fell partly within the “AGR” zone; there was no impact assessment on traffic, environment, sewerage and geology in the submission and the proposed development would have adverse landscape impact. No local objection/view was received by the District Officer (Tai O); 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. While DAFC did not support the application as the site was of high potential of rehabilitation for agricultural activities, the proposed Small House was not incompatible with the surrounding rural environment. Regarding the public comment on the possible adverse impact on traffic, environment, landscape, sewerage and geology, concerned government departments had no adverse comments on the application.

94. Members had no question on the application.

#### Deliberation Session

95. 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 13.12.2017, 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) submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) connection of the foul water drainage system to the public sewers to the satisfaction of the Director of Water Supplies or of the TPB; and
- (d) provision of protective measures to ensure no pollution or siltation occurs to the water gathering grounds to the satisfaction of the Director of Water Supplies or of the TPB.”

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

- “(a) to note the Chief Engineer/Development (2), Water Supplies Department’s

(WSD) comments that for provision of water supply to the development, the applicant may need to extend his 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 standard;

- (b) to note the Director of Environmental Protection's comments that the construction of the house shall not be commenced before the completion of the planning sewerage system; the applicant shall take up full ownership and construction and maintenance responsibility of the sewerage connection system; the applicant shall connect the house to the future public sewer at his own cost; the sewerage connection point shall be within the site; and adequate land is reserved for the future sewer connection work;
- (c) to note the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department's (DSD) comments that:
  - (i) public stormwater drain is not available for connection in the vicinity of the site. The applicant is required to provide proper stormwater drainage system for the proposed development. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicant at his own expense. The applicant is 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) public sewer will be laid in Ha Tin Liu Ha Village under DSD's project "Lam Tsuen Valley Sewerage". The scope of provision of village sewerage to Lam Tsuen Valley "Village Type Development" zone is being finalised under DSD's project 4332DS "Lam Tsuen

Valley Sewerage". The village sewerage works in Ha Tin Liu Ha Tsuen have started in October 2011, for completion in end 2015 tentatively subject to land acquisition progress; and

- (iii) there is no existing public sewerage system connection available. The applicant could extend his sewer via other private/government land to the proposed public sewers by himself if he would like to discharge his sewage into public sewerage system. However, the above information is preliminary and will be subject to revision due to actual site situation;
- (d) to note the Director of Fire Services' comments that the applicant is 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 Chief Town Planner/Urban Design and Landscape, Planning Department's comment that the applicant should indicate the proposed species, minimum size (approximately 2.75m for trees and 0.6m for shrubs) and maximum spacing on the Landscape Plan;
- (f) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
  - (i) for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary;

- (ii) 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 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 applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; 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 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.”

[Mr H.F. Leung and Ms Anita K.F. Lam left the meeting at this point.]

**Agenda Item 28**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/490            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 871 S.A in  
D.D. 19, She Shan Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/490)

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Presentation and Question Sessions

97.            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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department did not support the application as the site fell wholly outside the village ‘environs’ (‘VE’) of She Shan Tsuen. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities. The site fell within upper indirect Water Gathering Ground (WGG). The Chief Engineer/Development(2) of Water Supplies Department and the Director of Environmental Protection did not support the application as there was no information in the submission to demonstrate that sewer connection across adjacent private lots to the planned sewerage system was feasible and the proposed Small House would not cause water pollution to the WGG;
- (d) during the first three weeks of the statutory publication period, one public comment by Designing Hong Kong Limited (DHKL) was received. The DHKL objected to the application mainly on the grounds that the site fell partly within the “Agriculture” (“AGR”) zone; there was no impact assessment on traffic, environment, sewerage and geology in the submission and the proposed development would have adverse landscape impact. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper and were summarized below :

- (i) the proposed development was 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. DAFC did not support the application from agricultural point of view as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities;
- (ii) despite there was a general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of She Shan Tsuen, the proposed Small House development was considered not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprint fell outside both the “V” zone and ‘VE’, and the applicant failed to demonstrate that the proposed Small House within WGG would be able to be connected to the planned sewerage system in the vicinity;
- (iii) there were similar applications approved by the Committee mainly on the grounds that the proposed Small Houses complied with the Interim Criteria in that more than 50% of the proposed Small house footprints fell within “V” zone or the ‘VE’ of She Shan Tsuen; there was a general shortage of land to meet the demand for Small House development in the “V” zone of She Shan Tsuen; and the proposed development would be able to be connected to the planned sewerage system in the area. The current application with a Small House footprint outside “V” and ‘VE’ (99.7% and 100% respectively) with no supporting information on sewerage connection did not warrant the same consideration; and
- (iv) there were public comment against the application mainly on the grounds that there was no impact assessment on traffic, environment, sewerage and geology.

98. Members had no question on the application.

Deliberation Session

99. 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 primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the “Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories” in that more than 50% of the footprint of the proposed Small House falls outside both the “Village Type Development” zone and the ‘environs’ of She Shan Tsuen; and
- (c) the proposed development is located within the Water Gathering Ground. The applicant fails to demonstrate that the proposed development can be connected to the planned sewerage system and would not create adverse impact on the water quality in the area.”

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

**Agenda Item 29**

**Section 16 Application**

[Open Meeting]

A/NE-LT/491                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 1323 S.B  
ss.1 in D.D.8, Lam Tsuen San Tsuen, Tai Po  
  
(RNTPC Paper No. A/NE-LT/491)

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100.            The Secretary reported that the applicant requested on 28.11.2013 for deferment of the consideration of the application for two months to allow time to revise the disposition of the proposed Small House. This was the first time that the applicant requested for deferment.

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 30**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/492                      Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” zone, Government land in D.D. 19, She Shan Tsuen,  
Lam Tsuen, Tai Po  
  
(RNTPC Paper No. A/NE-LT/492)

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**Presentation and Question Sessions**

102.            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 - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper and highlighted below :
  - (i) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural and nature conservation point of views as there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities. The site was located in close proximity to She Shan Fung Shui Woodland “Site of Special Scientific Interest” (“SSSI”) and development of the proposed Small House would affect the woodland;
  - (ii) the Commissioner for Transport (C for T) advised that the proposed development located outside “Village” (“V”) zone, if permitted, will set an undesirable precedent case for similar applications in the future and the resulting cumulative adverse traffic impact could be substantial. However, as the application only involves development of a Small House, C for T considered that the application can be tolerated unless it was rejected on other grounds; and
  - (iii) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had strong reservation on the application from the landscape planning perspective. The surrounding area was of a rural landscape character with a mix of village houses, agricultural land and woodland trees. The “SSSI” and the She Shan Fung Shui Woodland were in close proximity of the site to the northeast. There would be no separation or buffer between the mature trees within the “SSSI” and the proposed Small House. The actual works area of the proposed Small House might extend beyond the application

boundary and affect the woodland in the “SSSI”. Approval of the application might also encourage similar applications along the edge of the “SSSI” within the “Agriculture” (“AGR”) zone. Should the application be approved, the applicant shall submit a tree preservation proposal and demonstrate that adequate tree preservation measures could be provided during construction;

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

- (d) during the first three weeks of the statutory publication period, two public comments from villagers of She Shan Tsuen and a member of the public were received. The villagers objected to the application mainly because the proposed development would cause adverse ‘fung-shui’ impact whereas the member of the public objected to the application mainly because the proposed development would cause adverse ecological impact to the “SSSI” and the approval of any development on agricultural land might set a precedent for “destroy first, built later” practice. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 11 of the Paper and were summarized below :
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone. The DAFC did not support the application from agricultural and conservation point of view in that there were active agricultural activities in the vicinity and the site itself had high potential for rehabilitation of agricultural activities;
  - (ii) the proposed development was considered not in line with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories (the Interim Criteria) in that despite the proposed Small House fell entirely within village ‘environs’ (‘VE’) of She Shan Tsuen, there was a general shortage of land in the

“V” zone for meeting Small House demands in She Shan Tsuen and the proposed Small House would be able to be connected to the planned sewerage system in the vicinity, the applicant failed to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas;

- (iii) there were similar applications approved by the Committee mainly on the grounds that the proposed Small Houses complied with the Interim Criteria; there was a general shortage of land to meet the demand for Small House development in the “V” zone of She Shan Tsuen; and the proposed development would be able to be connected to the planned sewerage system in the area. As the current application site was located immediately adjacent to the woodland in the “SSSI” zone and would likely cause adverse impacts on the nearby landscape resources, the application did not warrant the same sympathetic consideration; and
- (iv) there were public comments against the application mainly on the grounds that the proposed development within “AGR” zone would cause adverse ecological impact and approval of the application would set a bad precedent for similar development. Regarding the ‘fung-shui’ issue as mentioned by the villagers of She Shan Tsuen, it was not a planning consideration within the purview of the Committee.

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 primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes.

The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention; and

- (b) the applicant fails to demonstrate that the proposed development would not cause adverse landscape impact on the surrounding areas.”

### **Agenda Items 31 and 32**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/460            Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 455 S.A ss.1, 455 S.B ss.1, 455 S.G and 459 S.A in D.D. 23, San Tau Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/460 and 461)

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A/NE-TK/461            Proposed House (New Territories Exempted House - Small House) in “Agriculture” and “Village Type Development” zones, Lots 459 S.B, 474 S.N and 474 S.M ss.1 in D.D. 23, San Tau Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/460 and 461)

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

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

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

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses - Small Houses);

- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications from agricultural point of view as the sites fell partly within “Agriculture” (“AGR”) zone and there were active agricultural activities in the vicinity;
  
- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and a group of 5 indigenous villagers. The commenters objected to the applications mainly for the grounds that the proposed developments were not compatible with the “AGR” zone; approval of the application would cause cumulative adverse impacts on the subject “AGR” zone; there would be impacts on sewerage, drainage and waterworks, street lighting, quality refuse and garbage facilities, public space, footpaths, road, parking and public amenities; the proposed developments would affect the ‘fung-shui’ of San Tau Kok Village and approval of these applications submitted by indigenous villagers of another village would infringe the Basic Law; the proposed developments would cause inconvenience to the villagers when they passed through this location to pay tributes to their ancestors; and the land for construction of Small Houses in San Tau Kok Village was already very limited and the proposed developments by indigenous villagers of another village would further make their Small House applications more difficult. No local objection/view was received by the District Officer (Tai Po);
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the applications based on the assessments made in paragraph 11 of the Paper. Although the DAFC did not support the applications from agricultural point of view, the sites were two pieces of abandoned agricultural land covered with weeds. The applications were in compliance with Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the proposed Small House developments were not incompatible with the existing rural setting of the area. There

were two public comments against the proposed developments. Regarding the parking, drainage and sewerage concerns, the Commissioner for Transport, the Director of Environmental Protection and the Chief Engineer/Mainland North of Drainage Services Department had no adverse comments on the applications. As for the 'fung-shui' issue raised by the villagers, it was not a valid planning consideration thus beyond the purview of the Town Planning Board. The concerns of the commenters could be addressed through imposition of relevant approval conditions and advisory clauses to minimize the potential adverse impacts on the surrounding area.

107. Members had no question on the applications.

#### Deliberation Session

108. After further deliberation, the Committee decided to approve the applications, on the terms of the applications as submitted to the Town Planning Board (TPB). The permission should be valid until 13.12.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission of each of the applications was subject to the following conditions :

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

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

- “(a) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public drain in the vicinity of the site. The applicant/owner is required to maintain the drainage system properly and rectify the system if it is 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 a failure of the drainage system. Although there is no existing public sewerage in the vicinity of the site, sewerage connection may be available near the site when the proposed village sewerage works under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project is completed in around 2013/14. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the development;

- (b) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend their 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;
- (c) 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 at the land grant stage;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation to adopt good site practice and appropriate mitigation measures to avoid pollution to nearby watercourse; and
- (e) 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 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 33**

Section 16 Application

[Open Meeting]

A/NE-TK/479

Proposed Temporary Eating Place (Outdoor Restaurant) for a Period of 3 Years in “Recreation” and “Road” and “Village Type Development” zones, Lots 1687 S.A, 1687 RP (Part), 1688 S.A, 1688 RP (Part), 1689 S.A ss.1, 1689 S.A ss.2 (Part), 1689 S.A RP, 1689 S.B ss.1 (Part), 1689 S.B RP & 1847 (Part) in D.D. 17 and adjoining Government land, Ting Kok Road, Lung Mei, Tai Po

(RNTPC Paper No. A/NE-TK/479)

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110. The Secretary reported that the applicant requested on 28.11.2013 for deferment of the consideration of the application for two months in order to allow more time to address comments from the Government departments. This was the first time that the applicant requested for deferment.

111. 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 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/480            Renewal of Planning Approval for “Temporary Private Garden Ancillary to New Territories Exempted House” for a Period of 3 Years in “Agriculture” and “Village Type Development” zones, Lots 1830 (Part), 1738 S.B ss.3 (Part) in D.D. 17 and adjoining Government land, , Lung Mei, Tai Po  
(RNTPC Paper No. A/NE-TK/480)

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**Presentation and Question Sessions**

112.        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 renewal of planning approval for temporary private garden ancillary to New Territories Exempted House under previous Application No. A/NE-TK/335 for a period of 3 years;
- (c)    departmental comments – concerned 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, one public comment against the application from Designing Hong Kong Limited was received. The commenter objected to the application mainly on the grounds that the proposed development was incompatible with the “Agriculture” (“AGR”) zoning; there was no justification for approving the renewal application; no public gains and a false impression that the land could be granted for long-term usage. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of 3 years based on the assessments detailed in paragraph 11 of the Paper. Regarding the public comment objecting to the application, it was considered that the concerned area and its vicinity was within the village proper and had been paved. The Director of Agriculture, Fisheries and Conservation had no strong view on the application as the site had low potential for agricultural rehabilitation. The proposed private garden was considered not incompatible with its immediate surrounding uses comprising mainly village houses. The renewal of the planning approval was not expected to have any adverse planning implications and a temporary approval of three years, same as the last one was suggested.

113. Members had no question on the application.

#### Deliberation Session

114. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 23.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (b) if the above planning condition (a) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (c) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/481            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” and “Village Type Development” zones, Lot 20 in D.D.  
27 and adjoining Government land, Shuen Wan Sha Lan, Tai Po  
(RNTPC Paper No. A/NE-TK/481)

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**Presentation and Question Sessions**

115.            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 - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 10 and Appendix IV of the Paper. The Chief Town Planner/Urban Design and Landscape of Planning Department (CTP/UD&L of PlanD) had reservation on the application from the landscape planning point of view. Although there were no significant trees within the site, the construction of the proposed Small House would require cutting into the existing slope and it was likely that the woodland trees on the upper slope within the “GB” would be affected by the potential site formation works required. In general, adverse landscape impact was anticipated. The Head of Geotechnical Engineering Office, Civil Engineering and Development Department (H(GEO), CEDD) advised that the site was overlooked by steep natural hillside and meets the Alert Criteria requiring for the Natural Terrain Hazard Study (NTHS). Hence, he would tender in-principle objection to the application unless the applicant was prepared to undertake a NTHS and provide suitable mitigation measures, if found necessary, as part of the proposed

development;

- (d) during the first three weeks of the statutory publication period, two public comments were received from a group of local villagers and Kadoorie Farm & Botanic Garden Corporation. The commenters objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Green Belt” (“GB”) zone and would cause adverse ecological and landscape impacts on the surrounding areas. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Paper and were summarized below :
  - (i) the site fell within “Village Type Development” (“V”) and “GB” zones. Whilst the proposed NTEH development was always permitted within the “V” zone, it was not in line with the planning intention of the “GB” zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
  - (ii) the site was a piece of cultivated land with plants of common species located at the edge of a foothill. Although there were no significant trees within the site, the proposed development would likely require cutting into the existing slope for site formation works and thus the woodland trees on the upper slope within the “GB” would be affected. The CTP/UD&L of PlanD had reservation on the application from landscape planning point of view as adverse landscape impact was anticipated. The applicant failed to provide any information regarding the slope works and the impact on the nearby woodland;
  - (iii) the Head of GEO, CEDD pointed out that the site was overlooked by steep natural hillside and meet the Alert Criteria requiring a NTHS. In

order to assess the geotechnical feasibility of the proposed development, the applicant was required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application. However, there was no information provided in the application to demonstrate the geotechnical feasibility of the proposed development;

- (iv) in view of the above, the proposed Small House did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories and the Town Planning Board Guidelines for Application for Development within “GB” zone under section 16 of the Town Planning Ordinance (TPB PG-No. 10) in that the proposed development would cause adverse landscape and geotechnical impacts on the surrounding areas;
- (v) among 11 similar applications within the “GB” zone, there were two applications No. A/NE-TK/298 and 459 for Small House development located in the immediate vicinity of the site. Both applications were rejected by the Town Planning Board (TPB) on review/the Committee on 14.5.2010 and 16.8.2013 respectively mainly for the reasons that the proposed development was not in line with the planning intention of the GB” zone and would have adverse landscape/geotechnical impacts on the surrounding area. Since there was no change in planning circumstances, there was no strong justification to warrant a departure from the previous decisions of the TPB/Committee; and
- (vi) there were two public comments objecting to the application mainly on grounds of ecological and landscape impacts.

116. Members had no question on the application.

#### Deliberation Session

117. 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 “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification in the submission to merit a departure from this planning intention;
- (b) the application does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse geotechnical and landscape impacts on the surrounding areas; and
- (c) the application does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would affect the natural landscape of the surrounding area and slope stability.”

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/541                      Proposed Utility Installation for Private Project (Two Electricity Package Substations) in “Village Type Development” zone, Lots 520 S.B R.P. (part), 520 S.C, 521 S.B R.P. (part), 521 R.P. and 524 S.A (part) in D.D. 22, Cheung Uk Tei, Tai Po  
(RNTPC Paper No. A/TP/541)

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

118. 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 utility installation for private project (two electricity package substations);
- (c) departmental comments – concerned departments had no objection to or no adverse comment on the application as detailed in paragraph 8 of the Paper;
- (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 (Tai Po); 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.

119. Members had no question on the application.

#### Deliberation Session

120. 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 13.12.2017, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (b) provision of drainage facilities to the satisfaction of the Director of Drainage Services or of the TPB; and

- (c) implementation of the landscape proposal in the application to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) that the applicant is required to apply for a Short Term Waiver (STW) for implementation of the development proposal. The STW application will be considered by LandsD acting in the capacity as landlord at its sole discretion. Nevertheless, there is no guarantee that such approval will eventually be given. If such application is approved, it will be subject to such terms and conditions, including among others, payment of premium or fee, as may be imposed by LandsD;
- (b) to note the comments of Director of Health that the project proponent must ensure that the installation complies with the relevant International Commission on Non-Ionising Radiation Protection guidelines or other established international standards. Effective and open communication with stakeholders in the planning of new electrical facilities and exploration of low-cost ways of reducing exposures when constructing new facilities are also encouraged;
- (c) to note the comments of Director of Fire Services that emergency vehicular access arrangement shall comply with Section 6, Part D of the Code of Practice for Fire Safety in Building 2011 administered by Buildings Department; and detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the comments of Chief Engineer/Dev(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; and

- (e) to note the comments of Chief Building Surveyor/New Territories West, Buildings Department as follows:
- (i) if the site does not abut on a specified street of not less than 4.5m wide, the development intensity shall be determined under Building (Planning) Regulation (B(P)R) 19(3) at building plan submission stage;
  - (ii) the site shall be provided with means of obtaining access thereto from a street under B(P)R 5;
  - (iii) emergency vehicular access for every building of the proposed development should be provided in accordance with B(P)R 41D; and
  - (iv) detailed consideration will be made at the building plan submission stage.”

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

**Tuen Mun and Yuen Long District**

**Agenda Item 37**

**Section 16 Application**

[Open Meeting]

A/TM/447

Shop and Services (Real Estate Agency and Retail Shop) in  
“Industrial” zone, Unit E, G/F., Wai Cheung Industrial Centre, 5 Shek  
Pai Tau Road, Tuen Mun  
(RNTPC Paper No. A/TM/447)

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122. The Secretary reported that the application had been deferred once. The applicant requested on 3.12.2013 for further deferment of the consideration of the application for two months so as to allow time to prepare a fire services installation proposal for the approval of Fire Services Department and the applicant had encountered difficulties in appointing suitable architect and fire services engineer.

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

**Agenda Item 38**

**Section 16 Application**

[Open Meeting]

A/TM/450

Columbarium (within a Religious Institution or extension of existing  
Columbarium only) in “Green Belt” zone, Section A and Section B of  
Lot 294 and Lot 351 (Part) in D.D. 376, Tuen Mun  
(RNTPC Paper No. A/TM/450)

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124. The Secretary reported that Mr Ivan C.S. Fu had declared an interest in this item

as Mr Fu was the director and shareholder of LWK Conservation Ltd., which was one of the consultants of the applicant. Mr H. F. Leung also declared an interest in this item as RHL Surveyors Ltd., one of the consultants of the applicant, had made donation to the Department of Real Estate and Construction in the Faculty of Architecture of the University of Hong Kong, in which Mr H. F. Leung was working. Members noted that Mr Fu and Mr Leung had left the meeting.

125. The Secretary said that the applicant requested on 28.11.2013 for deferment of the consideration of the application for two months in order to allow time to prepare necessary technical assessments and liaise with concerned Government departments for responding to their comments, and to address public comments. This was the first time that the applicant requested for deferment.

126. 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 39**

#### **Section 16 Application**

[Open Meeting]

A/TM/451	Proposed Columbarium in “Government, Institution or Community” zone, Lots No. 501 and 533 in D.D. 131 and Adjoining Government Land, Tsing Shan Tsuen, Yeung Tsing Road, Tuen Mun (RNTPC Paper No. A/TM/451)
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127. The Secretary reported that the applicant requested on 22.11.2013 for deferment of the consideration of the application for two months in order to address comments raised by the Hong Kong Police Force. This was the first time that the applicant requested for

deferment.

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

#### **Agenda Item 40**

##### **Section 16 Application**

[Open Meeting]

A/TM-LTY Y/268 Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in "Village Type Development" zone, Lot 3727 RP in D.D.124, Shun Tat Street, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/268)

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129. The Secretary reported that the applicant requested on 25.11.2013 for deferment of the consideration of the application for two months so as to allow time for preparation of revised drainage proposal and to revise the floor area. This was the first time that the applicant requested for deferment.

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

[Mr K.C. Kan, Mr Vincent T.K. Lai, 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 41**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTYYY/269      Temporary Open Storage of Scrap Metal and Waste Paper (For Recycling) with Ancillary Office and Weighing Station for a Period of 3 Years in “Residential (Group B) 1” zone, Lots 765 RP (Part) and 771 RP in D.D. 130 and Adjoining Government Land, Castle Peak Road-Lam Tei, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/269)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of scrap metal and waste paper (for recycling) with ancillary office and weighing station for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a member of the Tuen Mun District Council who supported the application without giving reason. No local objection/view was received by the District Officer (Tuen Mun); 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 assessment as detailed in paragraph 12 of the Paper.

132. Members had no question on the application.

#### Deliberation Session

133. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:30 p.m. and 8:00 a.m. from Mondays to Saturdays, 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) the maintenance of paving on the site at all times during the planning approval period;
- (d) the maintenance of drainage facilities as implemented under Application No. A/TM-LTY/252 on the site at all times during the planning approval period;
- (e) the maintenance of existing trees on the site at all times during the planning approval period;
- (f) the provision of fire extinguisher(s) within 6 weeks from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;

- (g) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.3.2014;
- (h) in relation to (g) above, the implementation 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 13.6.2014;
- (i) the submission of condition record of the drainage facilities as implemented under Application No. A/TM-LTY Y/252 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.3.2014;
- (j) the provision of boundary fencing within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 13.3.2014;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the 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 (f), (g), (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 site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) prior planning permission should have been obtained before commencing the development/use at the premises;
- (c) the planning permission is given to the structures under application. It does not condone any other structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to remove such structures not covered by the permission;
- (d) should the planning permission be revoked due to non-compliance with any of the approval conditions again, sympathetic consideration may not be given to any further application;
- (e) shorter compliance periods are given to monitor the progress of compliance with approval conditions;
- (f) to note the District Lands Officer/Tuen Mun, Lands Department's (LandsD) comments that the site comprises two private lots, Lots 771 RP and 765 RP (Part) in D.D. 130, and adjoining Government land (GL). The lots under application are Old Scheduled Agricultural Lot held under the Block Government Lease. A Short Term Waiver (STW) No. 783 has been issued in respect of Lot 771 RP to permit erection of structures having built-over area not more than 135m<sup>2</sup> and height not exceeding 6m for the purposes of "office and weighting station ancillary to temporary open storage of scrap metal and waste paper (for recycling)". A STW No. 632 has also been issued in respect of Lot 765 RP to permit erection of structures having built-over area not more than 551m<sup>2</sup> and height not exceeding 8m for the purposes of "metal and plastic workshop". Besides, a Short Term Tenancy (STT) No. 1327 has been issued for occupation of the GL having an area of 25m<sup>2</sup> (about) within the site for the purposes of "temporary open storage of scrap metal and waste paper (recycling)". As there may be variations to the terms and conditions permitted under the above STW No. 783, he reserves his comment on this lot. The owner(s) of Lot No. 765 RP will need to apply to his Office for a STW for erection of structures of 5.27m<sup>2</sup> on the lot for

the purposes of “office and weighing station ancillary to temporary open storage of scrap metal and waste paper (for recycling)”. Besides, the tenant of STT No. 1327 will need to apply to his Office for variation of the terms and conditions of STT No. 1327 to include the additional GL within the site into the tenancy boundary. He would advise that the proposals will only be considered upon his receipt of formal applications from the applicants. He should also advise that 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, deposits and administrative fees;

- (g) to note the Chief Estate Surveyor/Railway Development, LandsD’s comments that the site is wholly situated within the West Rail Protection Boundary. The applicant shall consult the Mass Transit Railway Corporation Limited (MTRCL) of any works whatsoever on the lots including but not limited to site investigation works, piling or other foundation works and other civil engineering and building works so as to ensure that any such works do not damage, interfere with or endanger any railway works, structures, facilities or installations or the safe operation of the West Rail;
- (h) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BD should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance (BO). For the UBW erected on leased land, enforcement action may be taken by the BD to effect their removal in accordance with BD’s enforcement policy against UBW as and when necessary. The granting of any planning approval

should not be construed as an acceptance of any existing building works or UBW on the 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. As the site is within the West Rail Protection Boundary, the applicant may seek comments from the MTRCL;

- (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area;
- (j) to note the Director of Environmental Protection’s comments that the applicant is required to connect all sewage arising from the site to the public sewer when it becomes available. The applicant is reminded that all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;
- (k) to note the Chief Highway Engineer/New Territories West, Highways Department’s (HyD) comments that the applicant should be responsible for the applicant’s own access arrangement. In addition, adequate drainage measures should be provided to prevent surface water from flowing out from the lot onto public roads;
- (l) to note the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD’s comments that as the site falls within the administration route protection boundary of the West Rail, the applicant should consult MTRCL on full details of the proposal and comply with MTRCL’s requirements with respect to the future construction, operation, maintenance and safety of the West Rail;

- (m) to note the Director of Fire Services' comments that the applicant should adhere to the good practice guidelines at Appendix IV of the RNTPC paper. Should the applicant wish to apply for exemption from the provision of fire service installations (FSIs) as prescribed by his Department, the applicant is required to provide jurisdiction 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; and
  
- (n) to note the Director of Electrical and Mechanical Services' comments 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. 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 to the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant's contractors when carrying out works in the vicinity of the electricity supply lines."



Deliberation Session

137. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 24.12.2013 to 23.12.2016, 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 10.15 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the maintenance of paving on the site at all times during the planning approval period;
- (c) the maintenance of existing drainage facilities on the site at all times during the planning approval period;
- (d) the submission of records of the existing drainage facilities on site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 23.6.2014;
- (e) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.6.2014;
- (f) in relation to (e) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of Director of Fire Services or of the TPB by 23.9.2014;
- (g) the submission of tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2014;

- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 23.9.2014;
- (i) the provision of boundary fencing on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 23.6.2014;
- (j) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (k) if any of the above planning conditions (d), (e), (f), (g), (h) or (i) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the site;
- (b) to note the District Lands Officer/Yuen Long, Lands Department’s comments that the private land within the site comprises Old Scheduled agricultural lot held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. His Office provides no maintenance works for this Government land nor guarantees right-of-way;

- (c) to note the Director of Fire Services' comments that fire service installations (FSIs) are required in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised reminded that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications 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 service requirements will be formulated upon receipt of formal submission of general building plans;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments 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 of any approved use under the application. Before any new building works (including office, storeroom, meeting room/pantry and toilet as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by 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;

- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas; and
- (f) to note the Director of Electrical and Mechanical Services’ comments 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier 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 Lines” established under the Electricity Supply Lines (Protection) Regulation 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 43**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/226            Temporary Drug Dependent Persons Treatment and Rehabilitation  
Centre (Social Welfare Facility) for a Period of 3 Years in “Recreation”  
zone, First Floor of an Existing Building, Lot 4620 in D.D.104, Mai  
Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/226)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary drug dependent persons treatment and rehabilitation centre (social welfare facility) for a period of 3 years;
- (c)    departmental comments – concerned departments had no objection to or no adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper.

140.            Members had no question on the application.

Deliberation Session

141. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission of 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 13.6.2014;
- (b) in relation to (a) 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 13.9.2014; 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.”

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

- “(a) to note the Director of Fire Services’ comments that fire service installations (FSIs) are required in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised reminded that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications 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 service requirements will be formulated upon receipt of formal submission of general building plans;

- (b) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that if the proposed use under application is subject to the issue of a licence, the applicant is reminded that any existing structures on the site intended to be used for such purposes are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority. Before any new building works are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). Should the AP confirm the works fall into the Minor Works Control System (MWCS), then the applicant may proceed with the works under the MWCS. The applicant may visit BD's website for details of the submission procedure under the MWCS. 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;
- (c) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and adjacent areas, etc. The applicant should consult the District Lands Officer/Yuen Long, Lands Department and seek consent from relevant landowners for any drainage works to be carried out outside the applicant's lot boundary before commencement of the drainage works; and
- (d) to note the Director of Electrical and Mechanical Services' comments 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. For site within the preferred working corridor of high voltage overhead lines at transmission

voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier 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 Lines" established under the Electricity Supply Lines (Protection) Regulation 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 44**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/227      Renewal of Planning Approval for Temporary 'Car Trading' Use for a Period of 3 Years in "Commercial/Residential" and "Residential (Group D)" zones, Lots 3250 S.B ss.19 (Part) and 3250 S.B RP (Part) in D.D. 104, Fairview Park Boulevard, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/227)

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

143.      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 renewal of planning approval for temporary car trading use under previous application No. A/YL-MP/187 for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no

adverse comment on the application as detailed in paragraph 10 of the Paper;

- (d) during the first three weeks of the statutory public inspection period, two public comments from two individuals were received. One commenter objected to the application on the grounds that the site was used in connection with the adjacent vehicle repair workshop which was not a clean use; the previously approved period of 12 years was not a temporary use; circumstances changed since the first approval as the surrounding area was developed for residential uses (i.e. Helene Terrace and Villa Camellia); the applicant's claim that the planning intention of "Residential (Group D)" ("R(D)") zone could not be realized was incorrect; and the applied use caused adverse traffic impact on the surrounding area. The other commenter raised concerns that the car trading business had already saturated in the area, and the applicant should submit environmental, traffic, drainage and sewerage impact assessments for the renewal application. No local objection/view was received by the District Officer (Yuen Long) ; and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Regarding the public comments objecting to the application on the grounds of the use being supporting the nearby vehicle repair workshop, not genuine temporary use, changed circumstances due to completed residential developments nearby, adverse traffic impact, saturation of car trade business and no environmental, traffic, drainage and sewerage assessments, the concerned Government departments had no objection to or no adverse comment on the application. The concerns of the commenter could be addressed through imposition of relevant approval condition prohibiting vehicle repair and workshop activities on the site was suggested. The nearby vehicle repair workshop, which was outside the site, should be dealt with separately.

144. Members had no question on the application.

Deliberation Session

145. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 18.12.2013 to 17.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 7:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation from 5:00 p.m. to 10:00 a.m. on Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no operation on public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (d) no medium or heavy goods vehicles (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance are allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activities are allowed on the site at any time during the planning approval period;
- (f) the maintenance of paving and boundary fencing on the site at all times during the planning approval period;
- (g) the maintenance of landscape planting on the site at all times during the planning approval period;
- (h) the maintenance of existing drainage facilities on the site at all times during the planning approval period;

- (i) the submission of records of the existing drainage facilities on site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.6.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.6.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) 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;
- (m) if any of the above planning conditions (i), (j) or (k) 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
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) the permission is given to the development/uses and structures under

application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;

- (c) to note the District Lands Officer/Yuen Long, Lands Department's (DLO/YL, LandsD) comments that the land within the site comprises Old Scheduled agricultural lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government; Short Term Waiver (STW) No. 3052 was granted to Lot 3250 S.B ss. 19 for 'storage and ancillary use to car trading' purposes with a built-over area (BOA) not exceeding 71.52m<sup>2</sup> and height not exceeding 3 m. The applicant should clarify the exact BOA involved as STW No. 3052 allows the maximum BOA of 71.52m<sup>2</sup>. Access to the site requires traversing through private lot. His Office provides no maintenance works for the Government land involved and does not guarantee right-of-way. Should the application be approved, the lot owner will still need to apply to his Office to permit structure to be erected or regularize any irregularities on site. Such application will be considered by 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 be imposed by LandsD;
- (d) to note the Director of Fire Services' comments that fire service installations (FSIs) are required in consideration of the design/nature of the proposal, FSIs are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant should also be advised reminded that (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans.

Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications 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 service requirements will be formulated upon receipt of formal submission of general building plans;

- (e) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are New Territories Exempted House under the Buildings Ordinance (Application to the New Territories) Ordinance (Cap 121 or the previous Cap 322), DLO/YL, LandsD should be in a better position to comment on the application. 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 of any approved use under the application. Before any new building works 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 coordinator for the proposed building works in accordance with the BO. If the site does not abut on a specified street having a width of not less than 4.5m wide, the development intensity shall be determined under Building (Planning) Regulation (B(P)R) 19(3) at the building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under B(P)R 5 and emergency vehicular access under B(P)R 41D. 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. If the proposed structures may be considered as temporary buildings and are subject to control under B(P)R Part VII;

- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas; and
  
- (g) to note the Director of Electrical and Mechanical Services’ comments 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132 kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier 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 Lines” established under the Electricity Supply Lines (Protection) Regulation 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 45**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/423            Renewal of Planning Approval for Temporary Warehouse and Open Storage of Plastic and Hardware Materials for a Period of 3 Years in “Recreation” zone, Lots 206(Part), 227(Part), 231(Part), 232 S.A(Part), 232 S.B(Part), 232S.C, 232RP(Part), 234(Part) and 235(Part) in D.D. 126, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/423)

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**Presentation and Question Sessions**

147.            Two replacement pages (pages nos. 3 and 14) to delete paragraph 6.3 and rectify the specified date of approval condition (i) in paragraph 13.2 of the Paper were tabled at the meeting. 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 renewal of planning approval for temporary warehouse and open storage of plastic and hardware materials under previous Application No. A/YL-PS/333 for a period of 3 year;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings immediately next to the site. Environmental nuisance due to loading and unloading activities, as well as heavy vehicles travel to and from the site was expected;
- (d)    during the first three weeks of the statutory publication period, a public comment from a member of the Yuen Long District Council (YLDC) was received. The YLDC member objected to the application mainly on the

grounds that continued occupation of the site for over 20 years for open storage use was not in line with the planned use of the site (i.e. “Recreation” (“REC”) zoning) and should not be treated as temporary use in nature. No local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application on environmental ground, there was no environmental complaint against the operation at the site over the past 3 years. The same restrictions on operation hours and types of activities as imposed previously under application No. A/YL-PS/333 were suggested which would further reduce the potential impact on the surrounding environment. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action by the Planning Authority. The applicant would also be advised to follow the revised “Code of Practice on Handling Environmental Aspects of Temporary Use and Open Storage Sites” to minimise the possible environmental impacts on the nearby sensitive receivers. Regarding the public comment objecting to the application, it was considered that there was currently no known recreational proposal on the site. Given the temporary nature of the applied use, the long-term planning intention of the “REC” zone would not be compromised.

148. Members had no question on the application.

#### Deliberation Session

149. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 29.1.2014 until 28.1.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 9:00 a.m. is allowed on site during the planning approval period;
- (b) no operation on Sundays and public holidays is allowed on the site during the planning approval period;
- (c) no recycling activities of plastic or other waste materials are allowed on site at any time during the planning approval period;
- (d) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on site at any time during the planning approval period;
- (e) the existing drainage facilities on site should be maintained at all times during the planning approval period;
- (f) the submission of the condition record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 29.7.2014;
- (g) the submission of a tree preservation and landscape proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.7.2014;
- (h) in relation to (g) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 29.10.2014;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 12.3.2014;

- (j) the submission of fire service installations proposals within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.7.2014;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 29.10.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

150. 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 recycling activities of plastic or other waste materials) 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) resolve any land issues relating to the development with the concerned

owner(s) of the site;

- (c) note the District Lands Officer/Yuen Long's comments that the lot owner will need to apply to his office to permit structures to be erected or regularise any irregularities on-site. Such application will be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fees, as may be imposed by LandsD;
- (d) to adopt the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department;
- (e) note the Commissioner of Transport's comment that the land status of the access road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles. No vehicle queuing and no reverse movement of vehicles on public road is allowed;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comment that the proposed access arrangement of the site from Ha Mei San Tsuen Road should be commented and approved by Transport Department. Adequate drainage measures should be provided at the site 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 and Ha Mei San Tsuen Road;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by Building Authority (BA) for the existing structures at the site and the applicant should note:

- (i) 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 planning application;
- (ii) before any new building works are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) 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 acceptance of any existing building works or UBW on the site under the BO;
- (iv) in connection with (ii) above, 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; and
- (v) 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;
- (h) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comment that two dead trees and four missing trees were found at the northern and western boundaries and some trees were affected by climbers and resulted in fair health condition. The applicant is required to replace the dead trees and missing trees and maintain all trees in good condition;

- (i) note the Director of Fire Services' (D of FS) comments the applicant should submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy and the applicant should adhere to the Good Practice Guidelines For Open Storage Sites issued by Fire Services Department. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant is required to provide justifications to D of FS for consideration. If the proposed structures are required to comply with BO, detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
  
- (j) note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that the existing water mains may be affected and the applicant should bear the cost of any necessary diversion works affected by the applied use. If it is not feasible to divert the affected water mains, a waterworks reserve within 1.5m from the centreline of the affected water main shall be provided to WSD. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purposes. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorise. Government shall not be liable to any damage whatsoever and howsoever caused from burst or leakage of the public water main within and in close vicinity of the site; and
  
- (k) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in

the vicinity of the site, the applicant shall carry out the following measures:

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

#### **Agenda Item 46**

##### **Section 16 Application**

[Open Meeting]

A/YL-PS/424                      Proposed Temporary Logistic Centre and Ancillary Parking of Vehicle for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 105 RP(Part), 111(Part), 112, 113, 114(Part), 115(Part) and 116(Part) in D.D. 122, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/424)

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151.            The Secretary reported that the applicant requested on 28.11.2013 for deferment of the consideration of the application for two months in order to in order to allow time for him to seek comments from the Mass Transit Railway Corporation Limited as the site falls within West Rail Protection Boundary. This was the first time that the applicant requested for deferment.

152.            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 47**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/425            Proposed Temporary Public Vehicle Park for Private Car and Light Van for a Period of 3 Years in “Village Type Development” zone, Lots 422(Part) and 423(Part) in D.D. 122, Sheung Cheung Wai, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/425)

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

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

- (a) background to the application;
- (b) the proposed temporary public vehicle park for private car and light van for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no adverse comment on the application as detailed in paragraph 9 of the Paper ;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views –PlanD considered that the proposed use could be tolerated for a further period of 3 years based on the assessment as detailed in paragraph 11 of the Paper.

154. Members had no question on the application.

#### Deliberation Session

155. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, 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. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no light goods vehicles (except vans), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, or coach, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) no vehicles without valid licences issued under the Road Traffic Ordinance are allowed to be parked/stored on site at any time during the planning approval period;
- (d) a notice should be posted at a prominent location of the site to indicate that no light goods vehicles (except vans), medium or heavy goods vehicle exceeding 3.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, is allowed to be parked on the site at any time during the planning approval period;
- (e) no vehicle repairing, dismantling and workshop use, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (f) 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 by 13.6.2014;
- (g) the provision of drainage facilities, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2014;
- (h) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;
- (i) in relation to (h) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (j) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (k) in relation to (j) above, the provision of fire service installations proposed within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (l) if any of the above planning conditions (a), (b) or (c), (d) or (e) 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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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

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

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

- “(a) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) note the District Lands Officer/Yuen Long’s (DLO/YL) comments that the private land involved are Old Schedule Agricultural Lots under Block Government Lease which no structures are allowed to be erected without prior approval from the Government. No approval is given for the specified single-storey structure as guard room. The site falls within Sheung Cheung Wai Archaeological Site and the ‘village environs’ of Hang Tau Tsuen/Hang Mei Tsuen/Sheung Cheung Wai. The site is accessible through an informal track on Government land (GL) and other private land extended from Tsui Sing Road. His office does not provide maintenance works on this track nor guarantees right-of-way. Part of the GL was temporarily allocated to Drainage Services Department for the project, namely ‘Yuen Long and Kam Tin Sewerage Stage 2 Phase 3B – Village Sewerage at San Tin Wai, Tung Tau Tsuen, Sha Chau Lei Tsuen, Hang Tau Tsuen and Sheung Cheung Wai. The concerned lot owners need to apply to DLO/YL 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. 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) 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 Environmental Protection Department to

minimize any possible environmental nuisances;

- (d) note the Commissioner of Transport's comments that sufficient manoeuvring spaces shall be provided within the site. No vehicle is allowed to queue back to public road or reverse onto/from public road;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed access arrangement of the site from Ping Ha Road should be commented and approved by Transport Department. Adequate drainage measures should be provided at the site 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 and Ping Ha Road;
- (f) note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and the adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside the private lot under application before commencement of the drainage works;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site. The applicant's attention is drawn to the following points:
  - (i) before any new building works are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (ii) 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 acceptance of any existing building works or UBW on the site under the BO;

- (iii) in connection with (i) above, 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; and
  - (iv) 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;
- (h) note the Director of Fire Services' (D of FS) comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for D of FS approval. The layout plan should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plan. 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 or referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by D of FS, the applicant is required to provide justifications to D of FS for consideration;
- (i) note the Director of Leisure and Cultural Services' comments that no ground excavation should be conducted as the site falls within the Sheung Cheung Wai Archaeological Site; and the applicant should inform the Antiquities and Monuments Office, Leisure and Cultural Services Department in case of discovery of antiquities or supposed antiquities in the course of work;

- (j) note the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department's comments that the proposed works should be submitted to BD for approval as required under the provision of the BO; and
  
- (k) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures:
  - (i) for site with the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
  
  - (ii) prior to establishing any structure within the site, the applicant and/or his contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  
  - (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 contractor(s) when carrying out works in the vicinity of the electricity supply lines."

**Agenda Item 48**

**Section 16 Application**

[Open Meeting]

A/YL-NTM/296      Temporary Offices (1 Real Estate Office and 2 Transportation Offices) with Ancillary Car Parks and Storages for a Period of 3 Years in “Residential (Group D)” zone, Lot 2616 (Part) in D.D.104 Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/296)

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157.            The Secretary reported that the applicant requested on 28.11.2013 for deferment of the consideration of the application for two months in order to allow time for revising the drainage proposal of the temporary offices. This was the first time that the applicant requested for deferment.

158.            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.

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

**Agenda Item 49**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/222      Public Utility Installation (Proposed Ancillary Working Platforms and Maintenance Footpath) and Proposed Excavation of Land (about 0.5m deep) in “Conservation Area” zone, Government land near Wing Kei Tsuen, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/222)

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159.      The Secretary reported that the application had been deferred once. The applicant requested on 28.11.2013 for further deferment of the consideration of the application for two months in order to allow time for preparation of supplementary information to respond to the queries of the Planning Department.

160.      After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a total of about four months of deferment including the previous deferment 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 50**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/224      Proposed Residential Development with Filling and Excavation of Land in “Undetermined” zone, Lots 592 S.C ss.1A, 592 S.C4 and 1252 S.C in D.D. 115, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/224)

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161.      The Secretary reported that the application was submitted by a subsidiary of Sun

Hung Kai Properties Ltd. (SHKP), and Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd. were three of the consultants of the applicant. Mr Ivan C.S. Fu had declared interests on this item as he had current business dealings with SHKP, Environ Hong Kong Ltd., MVA Hong Kong Ltd. and Urbis Ltd.. Members noted that Mr Fu had left the meeting.

162. The Secretary said that the application had been deferred once. The applicant requested on 4.12.2013 for further deferment of the consideration of the application for two months in order to allow time for relevant Government departments to review the applicant's submission in November and offer their comments and for the preparation of further information to address the comments of the Director of Drainage Services.

163. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a total of about four months of deferment including the previous deferment 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 51**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/875            Temporary Open Storage of Second-Hand Vehicles, Metal,  
Machineries, Parts and Ancillary Office for a Period of 3 Years in  
“Comprehensive Development Area” zone, Lots 92 (Part), 93 RP (Part)  
and 94 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/875)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of second-hand vehicles, metal, machineries, parts and ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along the access road (Ping Ha Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application because there were sensitive uses along the access road (Ping Ha Road), there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, approval conditions on no night-time operation and no workshop activity had been suggested. Any non-compliance with these approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant would also be advised to follow the latest “Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses” to minimize the possible environmental impacts on the adjacent areas.

165. Members had no question on the application.

Deliberation Session

166. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. to 8:00 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 workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within 5 meters of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (f) the existing drainage facilities shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on-site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2014;
- (h) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;

- (i) the submission of a fire service installations (FSIs) proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (j) in relation to (i) above, the provision of the FSIs proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (k) the submission of a tree preservation and landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;
- (l) in relation to (k) above, the implementation of the tree preservation and landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (o) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

development on site;

- (b) the site should be kept in a clean and tidy condition at all times;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;
- (d) note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises Old Scheduled Agricultural Lots held under the Block Government Lease upon which no structure is allowed to be erected without the prior approval of the Government. Short Term Wavier (STW) No. 3040 was granted on Lot 93 RP in D.D. 125 permitting a built-over-area (BOA) of not exceeding 51.25m<sup>2</sup> and a height not exceeding 5m for ancillary use to open storage. No approval has been given for the specified structures on Lot 94 in D.D. 125 as site office. The site is accessible to Ping Ha Road via a local track on private lots. His office provides no maintenance work to this track and does not guarantee right-of-way. The applicant would need to apply to LandsD for a STW on Lot 94 to regularize the irregularities on the site as well to apply for modification of STW No. 3040 terms and conditions in case of any breaches against the permitted BOA and height exist. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application would be approved. The application would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (e) 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;
- (f) note the comments of the Commissioner for Transport that sufficient manoeuvring space shall be provided within the site;

- (g) note the detailed comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The 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. Furthermore, should the applicant wish to apply for exemption from the provision of FSI, the applicant is required to provide justifications to his Department for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements would be formulated upon receipt of formal submission of general building plans; and
  
- (h) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. 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 converted containers/open sheds as temporary building) 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 coordinator 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. The site shall be provided with means of obtaining access 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.”

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/255 Temporary Open Storage (Marbles, Construction Material, Aluminium cans and frames, Small-scale Machinery, cars and lorries for export, mini raising platforms and ancillary workshop and unloading/unloading spaces ) for a Period of 3 Years in “Recreation” and “Residential (Group E)” zones, Lots 2219RP (Part) and 2226 (Part) in D.D. 129 and adjoining Government Land, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/255)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage (marbles, construction material, aluminium cans and frames, small-scale machinery, cars and lorries for export, mini raising platforms and ancillary workshop and unloading/unloading spaces ) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses (residential dwellings) in the vicinity of the site (the closest being about 3m

away) and along the access road (Deep Bay Road), and environmental nuisance was expected;

- (d) during the first three weeks of the statutory publication period, two public comments were received. A Yuen Long District Councillor objected to the application mainly on the potential noise nuisance and dust problems to be generated by the proposed use. The other commenter objected to the application for the reasons that Deep Bay Road was not designed for heavy vehicles traffic, the open-side shelters were for workshop uses which would generate a large amount of dusts and noise causing environmental nuisances. The proposed toilet without proper drainage or septic tank would cause hygiene and environmental problems. Open storage uses are prone to fire risk and no fire services installations proposal had been submitted. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a further period of 1 year (instead of 3 years sought) based on the assessment as detailed in paragraph 12 of the Paper. Although DEP did not support the application because there were sensitive uses (residential dwellings) in the vicinity of the site (the closest residential dwelling being about 3m away) and along the access road (Deep Bay Road), and there was also a substantiated noise pollution complaint against arising from loading/unloading activities at the site in 2011, there was no further environmental complaint against the site during the approval periods of the last two Applications No. A/YL-LFS/232 and 250, which were approved by the Committee on 20.1.2012 and 19.4.2013 respectively. Considering the close proximity of the site to two isolated residential dwellings, the fact that all the previous approval were for a period of one year, and that the Committee had not approved any workshop use on the site before, a shorter approval period of one year, instead of 3 years, was suggested. To mitigate any potential environmental nuisance to nearby residents, approval conditions on restrictions on operation hours, types of vehicles entering the site, stacking height and prohibition of workshop activities were also suggested. Any non-compliance with these

approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant will be advised to follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to minimize the possible environmental impacts on the nearby sensitive receivers. The concerns of the commenters could be addressed through imposition of relevant approval conditions to minimize the potential impacts on the surrounding area. Regarding the public comment on the toilet facility, the applicant submitted a letter dated 4.12.2013 deleting the toilet facilities on-site. An approval condition restricting no toilet facility to be provided within the site was suggested.

169. Members had no question on the application.

#### Deliberation Session

170. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 13.12.2014, instead of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 8:00 p.m. to 8:00 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 is allowed on the site during the planning approval period;
- (c) no cutting, dismantling, cleansing, melting, repairing, compaction and workshop activity is allowed on the site at any time during the planning approval period;
- (d) no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, is allowed to enter, park or operate at the

site at any time during the planning approval period;

- (e) no vehicle over 10m long, including container vehicle/trailer/tractor, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (f) no vehicle queuing is allowed back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the stacking height of materials stored within 5m of the periphery of the site should not exceed the height of the boundary fence at any time during the planning approval period;
- (h) the drainage facilities on site shall be maintained at all times during the planning approval period;
- (i) no toilet facility, as proposed by the applicant, is allow at the site at any time during the planning approval period;
- (j) the submission and implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2014;
- (k) the submission of a condition record of the existing drainage facilities on site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.3.2014;
- (l) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;
- (m) the submission and implementation of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of

Director of Fire Services or of the TPB by 13.6.2014;

- (n) the submission and implementation of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 13.6.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (j), (k), (l), (m) or (n) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the permission is given to the proposed temporary open storage of marble, construction materials, aluminium cans and frames, small-scale machinery, cars and lorries for export, mini elevating platforms, and loading/unloading spaces. It does not condone any other use/development not covered by the application;
- (b) note that a shorter approval period of 1 year, no operation on Sundays and public holidays and correspondingly shorter compliance periods are granted in order to monitor the situation on site;
- (c) resolve any land issues relating to the development with the concerned owner(s) of the site;

- (d) the site should be kept in a clean and tidy condition at all times;
- (e) note the comments of the District Lands Officer/Yuen Long that the site is situated on Old Scheduled Agricultural Lots held under the Block Government Lease under which contains the restriction that no structures are allowed to be erected without prior approval of the Government. Access to the site requires traversing through a short stretch of local track on both private land and Government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way Application for Short Term Waiver (STW) in relation to the previous planning application (No. A/YL-LFS/250) was received. Should planning approval be given to the subject planning application, his office would continue to process the STW application (and related Short Term Tenancy (STT) application). Such applications would be considered by Lands Department (LandsD) acting in the capacity as the Landlord as its sole discretion and there is no guarantee that such applications would be approved. If such application is approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Furthermore, the applicant is advised to avoid erecting structures on GL, as occupation of GL without Government's permission is not encouraged and STT applications with unauthorized structures would generally be rejected.
- (f) 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;
- (g) note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (h) note the Director of Drainage Services that the drainage proposal should be reviewed and consent should be obtained from the relevant

owner/maintenance agent of the downstream drainage facilities for discharging the stormwater from the site;

- (i) note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided at the site entrance to prevent surface water running from the site to the nearby public roads and drains;
- (j) note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that at least 1m setback of proposed uses from existing trees should be allowed;
- (k) note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) should be submitted to him for approval. Detailed fire safety requirements will be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. The applicant should also adhere to the 'Good Practice for Open Storage' at Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to him for consideration; and
- (l) note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that prior approval and consent of the Building Authority (BA) should be obtained before any new building works, including any temporary structures, are to be carried out on the site. 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 Buildings Ordinance (BO). Enforcement action may be taken by the BA to effect the removal of unauthorized building works (UBW) erected on the site in accordance with BD's enforcement policy against UBW as and when necessary. The granting of

planning approval should not be construed as acceptance of any existing building works or UBW on the site under the BO.”

**Agenda Item 53**

**Section 16 Application**

[Open Meeting]

A/YL-KTN/410      Temporary Animal Boarding Establishment with Ancillary Facilities for a Period of 5 Years in “Agriculture” zone, Lots 1486 (Part), 1489 (Part), 1493 (Part) and House Lot Block (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/410)

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172.      The Secretary reported that the application had been deferred once. The applicant requested on 6.12.2013 for further deferment of the consideration of the application for one month in order to allow more time to address the comments from the Fire Services Department and Drainage Services Department.

173.      After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that a total of about three months for deferment including the previous deferment 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 54**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/419      Proposed Temporary Open Storage of Construction Materials  
(Excluding Cement/Sand/Chemical Products/Dangerous Goods) for a  
Period of 2 Years in “Other Specified Uses” annotated “Railway  
Reserve” zones, Lots 4122 (Part), 4123 (Part), 4124 (Part) and 4125  
(Part) in D.D. 104, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/419)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed temporary open storage of construction materials (excluding cement/sand/chemical products/dangerous goods) for a period of 2 years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings immediately next to the site and within 50m of the access road. Environmental nuisance was expected;
- (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 proposed temporary use could be tolerated for a period of 2 years based on the assessment as detailed in paragraph 12 of the Paper. Although the part

of the site fell within the administrative route protection boundary of the Northern Link (NOL), the exact alignment and development programme of the NOL was yet to be finalized. DEP did not support the application as there were sensitive receivers, i.e. residential structures to the immediate southeast, and environmental nuisance was expected and there was a substantiated environmental complaint on waste aspect received in 2012. However, there was no dumping activities observed at the time of inspection. To address the concerns of the DEP on the possible nuisance generated by the proposed temporary use as well as to avoid the encroachment of the open storage use into the adjoining “Conservation Area” zone, approval conditions on restricting the operation hours, prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, types of vehicles and requiring the provision of peripheral fencing were suggested. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorised development on-site would be subject to enforcement action taken by the Planning Authority. The applicant would also be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact.

175. Members had no question on the application.

#### Deliberation Session

176. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 13.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 1:00 p.m. and 6:00 p.m. on Saturdays and no night-time operation between 6:00 p.m. to 8:00 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 medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) the provision of boundary fencing on the site within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 13.6.2014;
- (f) the implementation of the approved landscape proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 13.6.2014;
- (g) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 13.6.2014;
- (h) in relation to (g) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 13.9.2014;
- (i) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;

- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (l) 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;
- (m) if any of the above planning conditions (e), (f), (g), (h), (i), (j) or (k) 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
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

177. 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) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval from his office. No permission has been given for the specified structures as “converted container office and rain shelter” specified in the application. The site is accessible from San Tam Road via a local village track on Government land (GL). LandsD does not provide maintenance work on this GL nor guarantee any right of way. The site falls within the Northern Link Influence Area. No application for Short Term Waiver was received as far as the application is concerned. Should the application be approved, the

land owner concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on 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;

- (c) note the Commissioner of Transport's comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the lands authority. The management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and San Tam Road;
- (e) note the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD's comments that the site falls within the Administrative Route Protection Boundary of Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL;
- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection for implementation of mitigation measures to minimize any potential environmental nuisances arising from the development;
- (g) note the Director of Agriculture, Fisheries and Conservation's comments to

adopt necessary measures to avoid felling or trimming of the trees and avoid disturbance and pollution to the watercourse as far as practicable;

- (h) note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Besides, the applicant should observe the good practice guidelines for open storage site in Appendix IV of this RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he 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 service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that all unauthorized building works/structures 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; and
- (j) note the Director of Electrical and Mechanical Services' comments 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 cables (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines. There is a high pressure town gas pipeline running along San Tam Road. The applicant should maintain liaison/coordination with the Hong Kong China Gas Company Limited in respect of the exact locations of existing or planned gas pipelines/ gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines if any excavation works is required. The applicant shall also note the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes”.

### **Agenda Item 55**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTN/425      Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Railway Reserve” zone, Lots 49 S.B RP (Part), 379 S.B (Part), 383 (Part), 385 RP (Part), 394 S.A RP, 395 (Part), 396 (Part), 397 RP (Part), 398, 399 RP and 401 RP (Part) in D.D. 107 and Adjoining Government Land, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/425)

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

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction materials for a period of 3 year;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were residential dwellings immediately next to the site. Environmental nuisance due to loading and loading activities, as well as heavy vehicles travel to and from the site were therefore expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although the part of the site fell within the administrative route protection boundary of the Northern Link (NOL), the exact alignment and development programme of the NOL was yet to be finalized. While DEP did not support the application as there were sensitive receivers, i.e. residential structures to the immediate east, and environmental nuisance was expected, there was no substantiated environmental complaint received in the past three years. To address the concerns of the DEP on the possible nuisance generated by the temporary use, approval conditions on restricting the operation hours, prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities and requiring the maintenance of the existing peripheral fencing were suggested. Any non-compliance with the approval conditions will result in revocation of the planning permission and unauthorised development on-site will be subject to enforcement action taken by the Planning Authority. The applicant will also be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary

Uses and Open Storage Sites” in order to alleviate any potential impact.

179. Members had no question on the application.

#### Deliberation Session

180. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 8:00 a.m. from Mondays to Saturdays, 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, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) the maintenance of the existing boundary fencing on the site at all times during the planning approval period;
- (e) no stacking of materials above the height of peripheral fencing (3m), shall be allowed on the site at any time during the planning approval period;
- (f) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 13.6.2014;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Planning or the TPB by 13.9.2014;

- (h) the submission of a revised drainage proposal within 6 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 13.6.2014;
- (i) in relation to (h) above, the implementation of drainage proposal within 9 months from the date of the planning approval to the satisfaction to the Director of Drainage Services or the TPB by 13.9.2014;
- (j) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (l) in relation to (k) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (m) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (n) if any of the above planning conditions (f), (g), (h), (i), (j), (k) or (l) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (o) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

181. 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) note the District Lands Officer/Yuen Long, Lands Department’s (DLO/YL, LandsD) comments that the site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval from his office. No approval has been given for the specified structures for security booth, worker resting area and storage use. No permission has been given for the occupation of the Government land (GL) within the site. The act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible from San Tam Road via GL. His office does not provide maintenance works on this GL nor any guarantee right of way. Should the application be approved, the land owner concerned will need to apply to LandsD 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 GL 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 may be imposed by LandsD;
  
- (c) note the Commissioner of Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of Goods Vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and San Tam Road;
- (e) note the Chief Engineer/Railway Development 2-2, Railway Development Office, HyD's that the site would fall within the administrative route protection boundary of Northern Link (NOL). Although the programme and the alignment of the proposed NOL are still under review, those areas within the railway protection boundary may be required to be vacated at the time for the construction of the proposed NOL. The applicant is required to note the above when planning its land use application;
- (f) follow the latest "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection for implementation of mitigation measures to minimize any potential environmental nuisances arising from the development;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that according to the aerial photos taken in 2011 and on 21.6.2013, past pond filling activity and vegetation removal is observed. To mitigate the vegetation loss, a continuous row of tree planting with trees of at least 2.75m in height at an interval of 3 to 4m should be provided. The landscape proposal (Drawing A-1 of this RNTPC paper) is considered not adequate and should be revised;
- (h) note the Chief Engineer/Mainland North, Drainage Services Department's comments on the submitted drainage proposal (Drawing A-2 of this RNTPC paper) that the gradients and the dimensions of the proposed u-channels should be shown on the drainage plan. The applicant is required to advise why u-channel is not provided at the northern, eastern and southern sides of the site. The applicant is also required to advise how the overland flow could be properly intercepted and discharged. Consideration

should be given to provide catchpit at the turning points of the u-channel. Also, the invert levels of the proposed catchpits should be shown on the drainage plan. The applicant should submit calculation to demonstrate that the existing open channel has the spare capacity to cater for the additional discharge from the development. The submitted calculation only indicates the surface runoff would use almost 30% of the channel capacity. The relevant connection details between the existing open channel and the discharging pipe should be provided. Cross sections showing the existing and proposed ground levels of the site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provision alike should be provided before the collected runoff is discharged to the public drainage facilities. The development should neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the adjacent areas, etc. The applicant should consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside his lot boundary before commencement of the drainage works;

- (i) note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the applicant should observe the good practice guidelines for open storage site in Appendix IV of this RNTPC paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, he 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 service requirements will be formulated upon receipt of formal submission of general building plans. To address this approval condition, the applicant

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

- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all unauthorized building works/structures 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; and
  
- (k) note the Director of Electrical and Mechanical Services' comments that a minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the overhead electricity line (OHL) conductors must be maintained; and a minimum safety clearance of 5.5m from the OHL conductors in all directions shall also be maintained. No scaffolding, crane and hoist shall be built or operated within 9m from the conductors of the 400kV overhead lines at all times. CLP Power (CLPP) should be consulted on the safety precautions required for carrying out any works in the vicinity of the 400kV overhead lines. In any time during and after construction, CLPP shall be allowed to get access to the 50m working corridor area of the concerned 400kV overhead lines for carrying out any operation, maintenance and repair work including tree trimming. The Electricity Supply Lines (Protection) Regulation and the "Code of Practice on Working near Electricity Supply Lines" established under the Regulation shall be observed by the applicant and his contractors all the times. As regards the electric and magnetic fields arising from the 400kV OHL, the applicant should be warned of possible undue interference to some electronic equipment such as computer monitors within the developments underneath the OHL. There is a high pressure town gas pipeline running along San Tam Road. The project proponent should therefore be informed and he/she should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or

planned gas pipelines/gas installations in the vicinity of the proposed works area and the minimum set back distance away from the gas pipelines if any excavation works is required. Finally, the project proponent shall also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes".

## **Agenda Item 56**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/620      Temporary Vehicle Park (For Coaches and Private Cars) for a Period of 3 Years in "Other Specified Uses" annotated "Rural Use" zone, Lot 456 in D.D.106, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/620)

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### **Presentation and Question Sessions**

182.      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 vehicle park (for coaches and private cars) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. existing residential structures located to the north and in the vicinity of the site (the nearest one being less than 20m away), and environmental nuisance was expected. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning point of view.

According to past aerial photos, the site was covered by trees in 2011 but was subsequently cleared and paved in 2012. Although further significant landscape impact within the site due to the applied use was not likely, the application, if approved, would encourage similar vegetation clearance in the area, resulting in further degradation of the remaining woodland tree groups within the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone. No local objection/view was received by the District Officer (Yuen Long);

- (d) the Planning Department (PlanD)’s views – PlanD did not support the applications based on the assessments made in paragraph 12 of the Paper and were summarized below :
  - (i) the planning intention of the “OU(RU)” zone was for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, might be allowed on application to the Town Planning Board, with a view to upgrading or improving the area or providing support to the local communities. The proposed development was considered not congenial to the rural environment and therefore, not in line with the planning intention of “OU(RU)” zone. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
  - (ii) the proposed vehicle park, which was mainly for coach parking, was also considered not compatible with the surrounding land uses with adjoining residential structures/dwellings and some agricultural land in the vicinity. Most of the open storage/storage and warehouse uses in the area were suspected unauthorized development subject to enforcement action taken by the Planning Authority. Thus, the applied use did not warrant a sympathetic consideration; and
  - (iii) there were adverse comments from the relevant Government departments. The DEP did not support the application as there were

sensitive receivers located in the vicinity of the site, the nearest one located less than 20m to the north of the site, and environmental nuisance was expected. From the landscape point of view, CTP/UD&L of PlanD had reservations on the application as there was significant vegetation clearance on site and approval of the application would encourage similar vegetation clearance in the area, resulting in further degradation of the remaining woodland tree groups within the “OU(RU)” zone. The CE/MN, DSD also required the applicant to submit a drainage proposal. In this regard, the applicant failed to demonstrate that the applied use would not generate adverse environmental, landscape and drainage impacts on the surrounding areas.

183. Members had no question on the application.

#### Deliberation Session

184. 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 development is not in line with the planning intention of the “Other Specified Uses” annotated “Rural Use” (“OU(RU)”) zone which is for the preservation of the character of the rural area. Uses or developments compatible with the rural landscape, such as passive recreation uses and a selected range of rural uses, may be allowed on application to the Town Planning Board, with a view to upgrading or improving the area or providing support to the local communities. 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 the residential dwellings (with the nearest less than 20m to the north of the site) in the vicinity of the site;

- (c) there are adverse comments from the relevant Government departments. The applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application would set an undesirable precedent for similar uses to proliferate in the “OU(RU)” zone. The cumulative effect of approving such application would result in a general degradation of the environment of the area.”

**Agenda Item 57**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/621      Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Agriculture” zone, Lots 221 S.F- G RP(Part) and 221 S.H (Part) in D.D. 106, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/621)

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**Presentation and Question Sessions**

185.      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 (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. As the site had high potential for agricultural rehabilitation, the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
  
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 11 of the Paper. Although the DAFC did not support the application as the site was of high potential for agricultural rehabilitation, the real estate agency could serve the local needs of the neighbouring residential developments. Approval of the application on a temporary basis would not jeopardize future rehabilitation of the site for agricultural purpose hence the long-term planning intention of the “AGR” zone. In view of its small scale and close proximity to Pat Heung Road, it was unlikely that the development would generate significant environmental nuisance to the nearby residential structures/dwellings. DEP had no adverse comment on the application. To minimise the possible environmental nuisance generated by the development, approval conditions restricting the operation hours and types of vehicles on the site were suggested. Any non-compliance with the approval condition would result in revocation of the planning permission and unauthorised development on site would be subject to enforcement action taken by the Planning Authority. Since the last approval (Application No. A/YL-KTS/534) was revoked on 5.5.2013 due to non-compliance with the approval condition on the provision of a run-in at Pat Heung Road, shorter compliance periods were suggested to monitor the progress on compliance with approval conditions. Moreover, the applicant would be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance with approval conditions.

186. Members had no question on the application.

187. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the existing trees and landscape plantings on the site shall be maintained at all times during the planning approval period;
- (d) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (e) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.3.2014;
- (f) the submission of a run-in proposal to/from Pat Heung Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.3.2014;
- (g) in relation to (f) above, the provision of run-in at Pat Heung Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 13.6.2014;
- (h) the implementation of the accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.3.2014;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are 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;
- (c) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lots within the site are Old Scheduled Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. No approval has been given for the specified single-storey structures as container-converted office. The site is accessible via Pat Heung Road and Government land. LandsD does not provide maintenance works on the access nor guarantees right-of-way. Should the application be approved, the lot owner concerned will still need to apply to LandsD to permit

structures to be erected or regularise any irregularities on 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;

- (d) note the Commissioner of Transport's comments that the applicant has to substantiate the compliance of the designs the proposed vehicular access with the relevant standards as shown in Volume 2 Chapter 3.6 of the Transport Planning and Design Manual. Particular attention is drawn to Clause 3.6.3.2 regarding visibility as the site is situated on lowland and also a curvature of carriageway. The adjacent tree may also obstruct the sightline of motorists. As the roadside barriers have to be modified for the proposed vehicular access, prior agreement from Highways Department (HyD) should be sought accordingly. The site is connected to the public road network via a section of road which is not managed by Transport Department. The land status of the road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the road should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, HyD's comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Sheung Road;
- (f) adopt environmental mitigation measures as set out in the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection (DEP) to minimise any potential environmental nuisances;
- (g) note DEP's comments that all wastewaters from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance, Cap. 358. Also, the design of the septic tank shall follow the Professional

Persons Environmental Consultative Committee Practice Notes (PROPECC)  
5/93;

- (h) note the Director of Agriculture, Fisheries and Conservation's comment to take appropriate measures to avoid causing any pollution or interference to the nearby fish pond;
- (i) note the Director of Fire Services' (D of FS) comments that the FSIs proposal attached to the application is considered acceptable to his Department. The installation/maintenance/modification/repair work of fire service installation (FSI) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to the D of FS. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his department, the applicant is required to provide justifications to his department for consideration;
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that before any new building works (including containers as temporary buildings) are to be carried out on the site, prior approval and consent of the Building Authority (BA) should be obtained. Otherwise, they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO). In this connection, 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;

- (k) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground electricity cable and/or overhead electricity line within or in the vicinity of the site. Based on the cable plans and/or overhead line alignment drawings obtained, if there is underground electricity cable and/or overhead electricity line within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulation 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 his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 58**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/622      Proposed Temporary Tso Tong Car Park for a Period of 3 Years in  
"Residential (Group C)" zone, Lot 452 RP (Part) in D.D. 109, Kam  
Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/622)

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### Presentation and Question Sessions

189. 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 tso tong car park for a period of 3 years;
- (c) departmental comments – concerned 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 publication period, one public comment was received objecting to the application for reasons that car parking demand in the area was low, another car park was provided nearby and usually vacant, approval of this car park would bring about traffic safety hazards and air pollution. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 11 of the Paper. Regarding the public comment raising objection/concerns on the need of another car park in the area and the car park would cause traffic safety hazards and air pollution, relevant Government departments, including the Commissioner for Transport, the Director of Environmental Protection and the Commissioner of Police, had no adverse comment on the application from traffic and environmental perspectives.

190. Members had no question on the application.

### Deliberation Session

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

temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 10:00 p.m. and 6:00 a.m., as proposed by the applicant, is allowed on the 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 site at any time during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicles exceeding 5.5 tonnes, including container tractors/trailers, as defined in the Road Traffic Ordinance are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (f) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2014;
- (g) in relation to (f) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2014;
- (h) the submission of landscaping proposal within 6 months from the date of

planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;

- (i) in relation to (h) above, the implementation of landscaping proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) 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;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) 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
- (n) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to resolve any land issue relating to the development with the concerned owner(s) of the site;
- (b) note the District Lands Officer/Yuen Long’s comments that the private land

involved comprises Old Scheduled Agricultural Lots held under Block Government Lease which no structure is allowed to be erected without prior approval of Lands Department (LandsD). The site is accessible from Kam Tin Road via Government land (GL). LandsD does not provide maintenance works on this access via GL nor guarantees right-of-way. Should the application be approved, the lot owner will still need to apply to his office to 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 the application is approved, it will be subject to such terms and conditions, including among others payment of premium or fee, as may be imposed by LandsD;

- (c) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (d) 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 minimize any potential environmental nuisances;
- (e) note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSI, he is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap.123), detailed fire safety requirements will be

formulated upon receipt of formal submission of general building plans;

- (f) note the Chief Engineer/Development (2), Water Supplies Department's comments that existing water mains will be affected. The applicant shall bear the cost of any necessary diversion works affected by the proposed development. In case it is not feasible to divert the affected water mains, a waterworks reserve within 1.5 metres from the centerline of the water main shown on Plan A-2 of this RNTPC Paper shall be maintained. No structure shall be erected over this waterworks reserve and such area shall not be used for storage purpose. The Water Authority and his officers and contractors, his or their workmen shall have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority may require or authorize;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that all unauthorized building works/structures 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; and
- (h) note the Director of Electrical and Mechanical Services' comments 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 consultation and arrangement with the electricity supplier is necessary for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior 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 cables (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.”

### **Agenda Item 59**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/673            Temporary Open Storage of Containers for Storing Sauces with  
Canteen for a Period of 3 Years in “Residential (Group D)” zone, Lot  
172 (Part) in D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/673)

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

193.        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 containers for storing sauces with canteen for a period of 3 years;
- (c) departmental comments – concerned departments had no objection to or no adverse comment on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by

the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Since the last approval (Application No. A/YL-PH/652) was revoked on 29.1.2013 due to non-compliance with the approval conditions, shorter compliance periods were suggested to monitor the progress on compliance with approval conditions. Moreover, the applicant would be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance with approval conditions.

194. Members had no question on the application.

#### Deliberation Session

195. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no structures, including containers standing alone or stacked together, inside the site should exceed the height of 2 conventional containers stacked together at any time during the planning approval period;
- (b) no part of the site should be used for storing anything other than goods belonging to or dealt with by the applicant in the business of Parsley Sauce and Food Industrial at any time during the planning approval period;
- (c) all goods stored at the site should be kept inside the structures put or erected at the site at all times during the planning approval period. No goods should be placed in open storage or in an area or space which is not enclosed in wind and water tight structures during the planning approval period;

- (d) except for the purpose of loading and unloading, no vehicle should be parked at the site except for vehicles belonging to the applicant at any time during the planning approval period. In any event, no more than 10 vehicles should be parked at the site;
- (e) the site should be kept clean to the satisfaction of the Director of Food and Environmental Hygiene at all times during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.3.2014;
- (h) the submission of a tree preservation proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 13.3.2014;
- (i) in relation to (h) above, the implementation of a tree preservation proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;
- (j) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;
- (k) the submission of fire service installations proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.3.2014;
- (l) in relation to (k) above, the implementation of fire service installations within 6 months from the date of the planning approval to the satisfaction

of the Director of Fire Services or of the TPB by 13.6.2014;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) shorter compliance periods are imposed so as to monitor the situation and the progress on 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 would not be given by the Committee to any further application;
- (c) resolve any land issues relating to the development with the concerned owners of the site;
- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD)

comments that the lot is an Old Scheduled Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval of LandsD. Lot 172 (Part) in D.D. 108 is covered by Short Term Waiver No. 3751 to allow the use of land for the purpose of ancillary use to open storage of containers for storing sauces with canteen use with permitted built-over area of not exceeding 295.4m<sup>2</sup> and building height of not exceeding 6m. The site is accessible Fam Kam Road via an informal track on Government land. LandsD does not provide maintenance works on this access nor guarantees right-of-way. The lot owners 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. If such application is approved, it will be subject to such terms and conditions, including among others payment of premium or fee, as may be imposed by LandsD;

- (e) note the Commissioner of Transport's comments that the site is connected to the public road network via a section of a local access road which is not managed by Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly. Drivers of goods vehicles should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that his department is not/shall not be responsible for the maintenance of any existing vehicular access connecting the site and Fan Kam Road;
- (g) follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any possible environmental nuisances. The applicant should hold a valid Water Pollution Control

Ordinance licence during the approval period;

- (h) note the Director of Agriculture, Fisheries and Conservation's comments that there are some natural streams in close vicinity to the site. The applicant should adopt all necessary measures to prevent disturbing the stream embankment or polluting the stream during operation as far as possible;
- (i) note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that updated photo record on the condition of the existing trees and shrubs within the site boundary should be provided;
- (j) note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage site (Appendix V of this RNTPC paper) should be adhered to. Should the applicant wish to apply for exemption from the provision of FSI as prescribed by his department, the applicant is required to 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 plan. Having considered the nature of the open storage, the approval condition on "provision of fire extinguisher(s) within 6 weeks from the date of planning approval" should be included in the planning permission. To address this approval condition, the applicant should submit a valid fire certificate (FS 251) to his department for approval;
- (k) note the Chief Building Surveyor/New Territories West, Buildings

Department's (BD) comments that if the existing structures are erected on lease land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of 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 BO. In this connection, 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 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 BO. If the proposed use under application is subject to the issue of a licence, 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. 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;

- (l) note the Director of Food and Environmental Hygiene's (DFEH) comments that any food business carrying on at the site should be granted with a licence issued by DFEH. The applicant should also prevent creating environmental nuisance affecting the public; and
- (m) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the 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. Based on the cable plans obtained, if there is underground electricity cable and/or overhead electricity line within or in the vicinity of the site, the applicant (and his contractors, where applicable) shall carry out the measures prior to establishing any structure within the site, the applicant and his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead electricity 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 60**

**Section 16 Application**

[Open Meeting]

A/YL-PH/676                      Temporary Open Storage of Construction Machinery and Second-Hand Vehicles for a Period of 3 Years in “Residential (Group D)” zone, Lot 2899 in D.D.111, Wing Ning Lei, Wang Toi Shan, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/676)

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197.            The Secretary reported that the applicant requested on 5.12.2013 for deferment of the consideration of the application for two months in order to allow time for him to prepare further information in addressing the comments of the Fire Services Department and Drainage Services Department. This was the first time that the applicant requested for deferment.

198.            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 61**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/680      Proposed Temporary Open Storage (Private Cars and Lorries) for a Period of 3 Years in “Agriculture” zone, Lot 1479B (Part) in D.D.111, Leung Uk Tsuen, Kam Tin Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/680)

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

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

- (a)    background to the application;
- (b)    the proposed temporary open storage (private cars and lorries) for a period of 3 years;
- (c)    departmental comments – concerned departments had no objection to or no adverse comment on the application as detailed in paragraph 10 of the Paper;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from Designing Hong Kong Limited objecting to the application as it was not in line with the zoning intention and would spoil the agricultural land which should be preserved to safeguard the food supply for Hong Kong. There was no strong justification and no environmental impact assessment provided in the submission. No local

objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although the applied use was not in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation (DAFC) had no adverse comment on the application as the site had been paved and used for the same purpose for some times and the potential for agricultural rehabilitation was low. It was considered that approval of the application on a temporary basis would not frustrate the long-term planning intention of the “AGR” zone. To minimize the possible nuisance generated by the proposed development, approval conditions on restricting operation hours and types of vehicles, and prohibiting dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities were suggested. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on site would be subject to enforcement action by the Planning Authority. Besides, the applicant would be advised to adopt the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential impact. However, since the last approval (Application No. A/YL-PH/658) was revoked on 29.7.2013 due to non-compliance with the approval conditions in relation to landscape, drainage and fire safety aspects, the applicant had submitted the landscape and drainage proposals under the current application. The landscape proposal was yet to be accepted by the Chief Town Planner/Urban Design and Landscape of PlanD. In this regard, shorter compliance periods were suggested to monitor the progress on compliance with approval conditions. Moreover, the applicant would be advised that sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance with approval conditions. Although there was a public comment objecting to the application mainly on the grounds of not in line with the zoning intention and no submission of environmental impact

assessment, the DAFC and the Director of Environmental Protection had no adverse comment on the application.

200. Members had no question on the application.

#### Deliberation Session

201. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 6:00 p.m. to 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, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicles exceeding 5.5 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) no reversing of vehicles into or out from the site is allowed at any time during the planning approval period;
- (f) the existing drainage facilities within the site should be maintained at all times during the planning approval period;
- (g) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of

the Director of Drainage Services or of the TPB by 13.3.2014 ;

- (h) the submission of a run-in/out proposal to/from Kam Tin Road within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 13.3.2014;
- (i) in relation to (h) above, the provision of run-in/out to/from Kam Tin Road within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport and Director of Highways or of the TPB by 13.6.2014;
- (j) the submission of the 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 13.3.2014;
- (k) in relation to (j) above, the implementation of the 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 13.6.2014;
- (l) 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 24.1.2014;
- (m) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.3.2014;
- (n) in relation to (m) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby

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

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

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

- “(a) shorter compliance periods are imposed so as to monitor the progress on 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 would not be given by the Committee to any further application;
- (b) resolve any land issues relating to the development with the concerned owners of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the site comprises Old Scheduled Agriculture Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. No approval has been given to the specified structures as converted-container for toilet use. Access to the site requires traversing through private lot and/or Government land (GL). LandsD provides no maintenance work for the GL involved and does not guarantee right-of-way. The lot owner concerned needs to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application 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;

- (d) note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the applicant should be responsible for the construction of run-in at his own cost and the run-in should be constructed at full width of the footpath of Kam Tin Road in accordance with HyD Standard Drawings. Excavation Permit should be obtained from New Territories West Region of HyD prior to commencement of excavation works on public road/footpath which are maintained by HyD. As the site will encroach into the boundary limit of the roadworks project 'Upgrading of Remaining Sections of Kam Tin Road and Lam Kam Road', the applicant shall ascertain that utility services at the run-in location can sustain the construction traffic load;
- (e) 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;
- (f) note the Director of Agriculture, Fisheries and Conservation's comments that the mature roadside trees on the northern boundary of the site along Kam Tin Road should be preserved;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the applicant should mark the application boundary and the location of existing trees under the tree preservation proposal. Also, the applicant should provide an updated photo record to demonstrate the conditions of all existing trees within the application boundary;
- (h) note the Director of Fire Services' comments that in consideration of the

design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the applicant should observe the good practice guidelines for open storage site in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his department, the applicant is required to provide justifications 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 service requirements will be formulated upon receipt of formal submission of general building plans;

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including toilet as temporary building) 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 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. 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

- (j) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the measures for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. 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 62**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/651 Temporary Open Storage of Construction Materials, Equipments and Machinery and Container Site Offices (with Ancillary Repair Workshop) for a Period of 3 Years in “Undetermined” zone, Lots 348 RP (Part), 353 S.A RP, 353 S.B, 354 RP (Part), 355 (Part), 356, 357 (Part), 358, 359, 361 RP, and 362 RP in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/651)

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**Presentation and Question Sessions**

203. 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, equipments and machinery and container site offices (with ancillary repair workshop) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential dwelling/structure located to the northwest about 110m away, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 12 of the Paper. Although the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study was to be completed in 2015. It was considered that approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. DEP did not support the application as there were sensitive receivers of residential uses in the vicinity of the site. However, there had been no environmental complaint in the past 3 years. To address DEP's concerns on the possible nuisance generated by the temporary use, approval conditions restricting the operations hours, prohibiting heavy goods vehicles (including container trailer/tractor) accessing the site, and the carrying out of workshop activities at the site other than ancillary repairing or maintenance activities, as proposed by the applicant, were suggested. Any non-compliance with the approval conditions 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 follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize any potential environmental impact and to keep the site clean and tidy at all times.

204. Members had no question on the application.

#### Deliberation Session

205. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, 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. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant,

is allowed on the site during the planning approval period;

- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling or other workshop activities, except ancillary repairing or maintenance activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) the stacking height of containers stored on the site shall not exceed 3 units, as proposed by the applicant, at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2014;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (k) the provision of fire extinguisher(s) with valid fire certificate (FS 251)

within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 24.1.2014;

- (l) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (m) in relation to (l) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (n) 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;
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

206. 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) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) the site should be kept in a clean and tidy condition at all times;

- (d) note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No permission has been given for the occupation of the Government land (GL) within the site. The lot owner(s) 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 GL 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 may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (e) note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (g) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the numbers, locations and species of

the existing trees as shown on the submitted Landscape Proposal (Drawing A-2 of this RNTPC Paper) do not tally with the actual site situation observed during site visit. Moreover, there is room for further landscape planting along the perimeter of the site. All the existing and proposed trees should be clearly marked and differentiated on plan by using two different symbols in order to avoid confusion. Vines covering the tree crowns of 3 trees (*Ficus virens* var. *sublanceolata*) at the northern perimeter of the site should be removed;

- (h) adopt the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs to be installed should also be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of this RNTPC paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to 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;
- (j) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments 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 temporary buildings are to be carried out on the site, the prior approval and consent of the Building Authority (BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under the BO. The site 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

- (k) note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plan to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplies is necessary. 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 63**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/652      Temporary Warehouse for Storage of Metal Frames for a Period of 3  
Years in “Undetermined” zone, Lot 785 in D.D. 117, Kung Um Road,  
Yuen Long  
(RNTPC Paper No. A/YL-TYST/652)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary warehouse for storage of metal frames for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers to the northeast, south and in the vicinity of the site, and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessment as detailed in paragraph 11 of the Paper. Although the use of the area was being reviewed under the Planning and Engineering Study for Housing Sites in Yuen Long South, the aforementioned Study was to be

completed in 2015. It was considered that approval of the application on a temporary basis for not more than 3 years would not frustrate the long-term use of the area. DEP did not support the application as there were sensitive receivers to the northeast, south and in the vicinity of the site (with the nearest one located about 40m to the northeast) and environmental nuisance was expected. However, there had not been any environmental complaint in the past 3 years. To address possible concern on the environmental impact, approval conditions restricting the operation hours, prohibiting open storage use and the carrying out of workshop activities at the site, and restricting the use of medium and heavy goods vehicles were suggested. Any non-compliance with the approval conditions would result in revocation of the planning permission and unauthorized development on the 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.

208. Members had no question on the application.

#### Deliberation Session

209. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.12.2016, 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. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage, as proposed by the applicant, is allowed on the site at any time during the planning approval period;

- (d) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (e) no medium or heavy goods vehicles over 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site implemented under Application No. A/YL-TYST/362 shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.6.2014;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.6.2014;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (k) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.6.2014;
- (l) in relation to (k) above, the implementation of fire service installations

proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;

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

210. 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) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lot within the site is an Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. Should the application be approved, lot owner(s) concerned will need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on 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 of fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land extended from Kung Um Road. His office does not provide maintenance works for this access nor guarantees right-of-way;

- (d) note the Commissioner of Transport's comments that that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that one previously planted tree (*Ficus microcarpa*) at the northeastern corner of the site is found missing and requires replacement planting. All the existing and proposed trees should be clearly marked and differentiated on plan by using two different symbols in order to avoid confusion;
- (g) adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (h) note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant

layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. 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;

- (i) note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of 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 converted containers/open sheds 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 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 site under the Buildings Ordinance. 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

- (j) note the Director of Electrical and Mechanical Services' comments that the applicant and/or his contractors shall approach the electricity supplier for the requisition of cable plan/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 site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground electricity cable (and/or overhead electricity 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 64**

##### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/653      Renewal of Planning Approval for Temporary "Retail Shop for Hardware Groceries" Use for a Period of 3 Years in "Residential (Group B) 1" zone, Lot 1375 RP (Part) in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/653)

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

211.      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 retail shop for hardware groceries use under previous Application No. A/YL-TYST/621 for a period of 3 years;
- (c) departmental comments –departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) considered the applied use environmentally undesirable as there could be environmental nuisances if the site involved workshop activities and use of heavy vehicles;
- (d) during the first three weeks of the statutory publication period, 71 public comments from the Owners’ Committee and the residents of Jasper Court were received objecting to the application. The commenters objected to the application mainly on the grounds of environmental nuisances (including noise, air and odour pollution), road safety, traffic impacts, environmental hygiene, fire hazard, incompatible land use, visual impact and public security as follows :
  - (i) the operation of the retail shop adversely affected the local environment and that the loading/unloading activities and operation of the retail shop would generate additional traffic on the Tong Yan San Tsuen Road which affected pedestrian/traffic safety and exposed the local residents to traffic noise;
  - (ii) the storage of flammable and irritating materials, including paints and thinner, together with noise and odour generated by cutting metal and sewage discharge would pose fire hazards and affect the health of the residents. It was suggested that an environmental assessment should be carried out to assess the impact of noise, air, visual and safety impacts generated by the development;
  - (iii) other commenters pointed out that public security in the area was

worsened and property value is lowered. Some commenters pointed out that the shop involved unauthorized structures, illegal occupation of Government land and illegal storage of construction materials. Some also alleged that the applicant had breached the approval conditions imposed in that the shop operated on Sundays and holidays and in early mornings on weekdays, with workshop activities of cutting metal being carried out;

- (iv) the development was not compatible with the surrounding residential area and that such use should be developed elsewhere in the adjacent industrial areas instead. Besides, the retail shop which had been in operation at the site for 10 years should not be considered as a temporary use and granting of temporary approvals, despite the previous revocations and the strong local objections, was not fair to the nearby residents. Some also criticized the Town Planning Board's impartiality in approving the subject application and considered that Government resources were being wasted;
- (e) the District Officer (Yuen Long) had received the same public comments from the Owners' Committee of Jasper Court objecting to the application; and
- (f) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of 1 year (instead of 3 years sought) based on the assessment as detailed in paragraph 12 of the Paper. There was no environmental complaint received by the DEP in the past 3 years. On the traffic aspect, the Commissioner for Transport had no comment on the proposed loading/unloading activities on Tong Yan San Tsuen Road as far as the duration and frequency of such activities, as proposed by the applicant, could be adhered to. To address possible concerns on the environmental nuisance on the surrounding developments and traffic concerns, approval conditions restricting the operation hours, prohibiting metal cutting and other workshop activities, restricting the type of vehicles used, prohibiting loading/unloading activities along Ma Fung

Ling Road, and requiring the maintenance of the existing boundary fence on-site were suggested. Any non-compliance with the approval conditions 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 follow the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” in order to alleviate any potential environmental impact. Other Government departments consulted had no adverse comment on the application. With regard to the public concerns/objections on operation on Sundays and public holidays, workshop activities being carried out on-site, and loading/unloading activities along public road, a site visit conducted on 10.11.2013 (Sunday) revealed that the development was not in operation. In the other two site inspections conducted on 25.10.2013 (Friday) and 6.12.2013 (Friday), no on-site workshop activities and loading/unloading activities along Ma Fung Ling Road were observed. Noting there were strong local objections to the applied use under the current application, a shorter approval period of 1 year was proposed instead of 3 years sought to monitor the situation on the site.

212. A Member had reservation on the renewal of the approval of the application as there were strong objections from the local residents. The Chairman noted the Member’s concern and said that with regard to the public concerns/objections on breaching of approval conditions, PlanD had conducted site visits and revealed that the development was not in operation on Sunday, no on-site workshop activities and no loading/unloading activities along Ma Fung Ling Road were observed. A Member considered the renewal of planning approval could be granted and the situation on the site could continue to be monitored. Another Member shared the same view and pointed out that, taking into account the local objections, a shorter approval period of 1 year instead of 3 years should give the applicant a signal of the need to comply with the approval conditions. Members generally considered a shorter approval period for the renewal of planning approval was appropriate.

Deliberation Session

213. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year from 19.12.2013 to 18.12.2014, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:30 p.m. and 8:30 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 metal cutting or other workshop activities are allowed to be carried out on the site at any time during the planning approval period;
- (d) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed for the operation of the site at any time during the planning approval period;
- (e) no loading/unloading activities are allowed to be carried out along Ma Fung Ling Road at any time during the planning approval period;
- (f) the existing boundary fence on the site shall be maintained at all times during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.3.2014;
- (i) the implementation of the accepted fire service installations proposal within 3 months from the date of commencement of the renewed planning

approval to the satisfaction of the Director of Fire Services or of the TPB by 18.3.2014;

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

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

- “(a) shorter approval period is allowed to continue monitoring the situation on the site;
- (b) resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that no permission has been given for the occupation of Government land (GL) within the site. The lot owner(s) and occupier(s) of the GL concerned will need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such applications will be considered by LandsD acting in the capacity as landlord at its sole discretion. If such applications are approved, they will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. If the application of Short Term Tenancy is rejected or not

accepted by the occupier, the applicant has to exclude the Government land portion from the site. Besides, the site is accessible through Tong Yan San Tsuen Road, the pavement next to Tong Yan San Tsuen Road and a short stretch of Government land. His office does not provide maintenance works for such access nor guarantee right-of-way;

- (d) follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) note the Chief Highway Engineer/New Territories West, Highways Department’s comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains;
- (f) note the Director of Fire Services’ (D of FS) comments that the installation/ maintenance/ modification/ repair work of fire service installations (FSIs) shall be undertaken by a Registered Fire Services Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/ maintenance/ modification/ repair work issue to the person on whose instruction the work was undertaken a certificate (FS251) and forward a copy of the certificate to the D of FS. If the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (g) note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments that if the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the subject planning application. Before any new building works (including shop and storage shed as temporary buildings) are to be carried out on the site, the prior approval and consent of the Building Authority

(BA) should be obtained, otherwise they are unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance of 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 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

- (h) note the Director of Electrical and Mechanical Services' comments 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. If there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall consult and arrange with electricity supplier when necessary if the site falls within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the 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 applicant and his contractors shall also observe the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation when carrying out works in the vicinity of the electricity supply lines. While there is a high pressure town gas pipeline running along Yuen Long Highway, the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact locations of existing or planned gas pipes/gas

installations in the vicinity of the site and the minimum set back distance away from the gas pipes if any excavation works is required, and note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes".

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

**Agenda Item 65**

**Any Other Business**

215. There being no other business, the meeting closed at 6:10 p.m..