

## **TOWN PLANNING BOARD**

### **Minutes of 479th Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 21.12.2012**

#### **Present**

Director of Planning  
Mr. K.K. Ling

Chairman

Mr. Timothy K.W. Ma

Vice-chairman

Professor Edwin H.W. Chan

Dr. C.P. Lau

Dr. W.K. Lo

Ms. Anita W.T. Ma

Professor K.C. Chau

Mr. Ivan C.S. Fu

Mr. Lincoln L.H. Huang

Ms. Christina M. Lee

Mr. H.F. Leung

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

Principal Environmental Protection Officer (Strategic Assessment) (Atg.)  
Environmental Protection Department  
Mr. Victory W.T. Yeung

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**

Mr. Rock C.N. Chen

Dr. W.K. Yau

Dr. Wilton W. t. Fok

Ms. Janice W.M. Lai

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

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms. Donna Tam

Town Planner/Town Planning Board  
Ms. Cindy K.F. Wong

**Agenda Item 1**

Confirmation of the Draft Minutes of the 478th RNTPC Meeting held on 7.12.2012

[Open Meeting]

1. The draft minutes of the 478th RNTPC meeting held on 7.12.2012 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

**Section 12A Application**

[Open Meeting (Presentation and Question Session only)]

Y/SLC/5                      Application for Amendment to the Approved South Lantau Coast  
Outline Zoning Plan No. S/SLC/16, to rezone the application site from  
“Green Belt” to “Government, Institution or Community (1)”, Lots 26  
to 35 in D.D. 337L, Mong Tung Wan, Lantau Island  
  
(RNTPC Paper No. Y/SLC/5)

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3.            The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited, the consultant of the application. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting.

**Presentation and Question Session**

4.            The Secretary said that the villagers of Mong Tung Wan and the Association for Tai O Environment and Development had launched petitions against the subject application. The petition letters submitted by the two groups were tabled at the meeting for Members’ reference.

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

Mr. Ivan Chung	District Planning Officer/Sai Kung and Islands (DPO/SKIs)
Mrs. Margaret Lam	Senior Town Planner/Islands (STP/Is)

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

Mr. Hung Shing Yin, Terry

Mr. Yiu Yuen On, Paul

Ms. Tsang Po King, Fanny

Mr. Chan Tat Fai

Mr. C M Seto, Patrick

Mr. Chua Yong Chan

Mr. Frank Choo

Dr. H F Chan

Mr. C W Leung, Kelvin

Mr. Kenneth Ng

Ms. Kathy Wan

7. The Chairman extended a welcome and explained the procedures of the hearing. He then invited Mrs. Margaret Lam to brief Members on the background of the application. Mrs. Lam did so as detailed in the Paper and made the following main points with the aid of a Powerpoint presentation:

The Proposal

- (a) the applicant proposed to rezone an area (about 1,405 m<sup>2</sup>) from “Green Belt” (“GB”) to “Government, Institution or Community (1)” (“G/IC(1)”) on the approved South Lantau Coast Outline Zoning Plan (OZP) to facilitate a proposed columbarium development with a maximum building height (BH) of 3 storeys (10m) and a maximum gross floor area (GFA) of 1,260 m<sup>2</sup>, and the provision of 5,000 niches (15,424 urns). According to the Notes proposed by the applicant, ‘Columbarium’ was a Column 1 use and always permitted under the proposed “G/IC(1)” zone. The maximum BH, GFA and number of niches and urns to be provided as well as minor relaxation of these restrictions were proposed to be stipulated in the Remarks;
- (b) the proposed columbarium development comprised two 3-storey (about 10m) columbarium buildings linked by a footbridge and equipped with furnaces for joss papers and incense burning services. No car parking space was provided in the development;

- (c) a pier was located to the southwest of the site. Apart from marine access, the site could also be reached by a footpath of about 1.2m wide and 1.8km long leading to Chi Ma Wan Road;
- (d) the justifications put forth by the applicant in support of the application were summarised in paragraph 2 of Paper and highlighted below:
  - (i) the site was suitable for columbarium development as it was located far away from densely populated area; well-served by infrastructure; solely owned by the applicant; and accessible by both marine and land access;
  - (ii) the proposed 3-storeys buildings together with ample provision of tree planting and landscaping areas were fully compatible with the surrounding environment;
  - (iii) the proposed development would bring various community gains including the provision of columbarium facilities to meet community need, the generation of new job and business opportunities; the strengthening of the traditional Chinese core values and harmonious relationships among family members; as well as the optimization of land resources;
  - (iv) the proposed development would not have significant traffic, landscape, visual, environmental, ecological or geo-technical impacts on the area. It would not set an undesirable precedent for the “GB” zone;

Departmental Comments

- (e) the departmental comments were detailed in paragraph 7 of the Paper and highlighted below:
  - (i) the Commissioner for Transport (C for T) did not accept the traffic impact assessment (TIA) report submitted by the applicant. C for T

advised that the TIA based on 5,000 niches was not agreeable as the actual traffic impact induced by occupation of the provided 15,424 urns through the 5,000 niches could be substantially greater and had not been reasonably reflected in the report. The major assumption in the TIA submission was that visitors to the proposed development would be mainly by means of marine access from Hong Kong Island via Cheung Chau to the existing pier at Mong Tung Wan. Since the capacity of the Central-Cheung Chau ferry service had already saturated to support tourists/worshippers/residents during festival dates of Chung Yeung and Ching Ming, the additional traffic generated by the proposed marine transport arrangement would be too heavy to be afforded by both ferry and island capacity of Cheung Chau. Assessment on places other than Cheung Chau as a boarding point for the “private hired” ferry services should be provided. The applicant should also assess the effect on emergency vehicle service when the existing narrow footpaths were packed with visitors;

- (ii) the Commissioner of Police (C of P) had serious concern on the issue of crowd and traffic management during the peak grave visiting seasons. A major upgrading on the ferry service to serve the location and a parallel upgrading of the road and the footpath leading from Ham Tin Village which was 1.8km long and 1.5m to 2.8 m wide serving the site were required;
- (iii) the Director of Marine had no objection to the application but advised that the ferry operator should note that water in the vicinity of the existing pier in Mong Tung Wan was quite shallow. Safety related matters, including types and sizes of vessels or ferries to be used, should be thoroughly considered. During festival days, the New Cheung Chau Public Pier would be very congested. The project proponent should note that the visitors generated by the proposed development did not have exclusive right to use the public pier;
- (iv) the Director of Environmental Protection (DEP) did not support the

application since the Preliminary Environmental Review (PER) had not adequately addressed their concerns on water quality and waste aspects. For example, the applicant did not provide the location of the septic tank and soak-away pit so as to facilitate a review of its technical feasibility. The use of Diamond Hill Columbarium as a reference to estimate the required number of mobile toilet facilities was not appropriate. The waste disposal proposal was questionable. There was a lack of information on the category/source and estimated quantity of wastes as well as the potential environmental impacts in handling collection, transportation, reuse and disposal of wastes as well as mitigation measure to minimize the potential environmental impacts;

- (v) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application since the proposed development at Mong Tung Wan was located in the vicinity of Lantau South Country Park. Potential direct and indirect impacts on the Country Park due to the construction and operational phases of the proposed development had not been fully addressed. The assumption that the proposed development would mainly depend on access via ferry rather than land access was only a speculation without solid supporting information and assessment details. Potential user conflict between the Country Park users, villagers and the visitors to the proposed development had not been addressed. Furthermore, the direct and indirect impacts on the Lantau South Country Park due to potential hill fire at the site were not adequately addressed. There was insufficient information to address the potential air emission from the burning of joss paper and incense at the site which might pollute the air quality near the Country Park. The PER was inadequate in that there was no details on the site formation works and assessment of the impact on the area. Information in the Landscape Master Plan was not entirely correct and the conclusion was unsound;

- (vi) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L)

objected to the application since the proposal would not be compatible with the tranquil setting and natural character of the vicinity and the neighbouring “Village Type Development” (“V”) zone for the extension of village type developments. Due to the cove-like geography of Mong Tung Wan, the proposed development would be most conspicuous and noticeable from view points to its west. There were some inadequacies/omissions in the visual impact assessment (VIA). Furthermore, the site was within the “GB” zone acting as a green buffer between the “V” zone and the “Country Park” zone and there was a general presumption against development. The proposed tree survey was inadequate and incomplete. The practical feasibility and effectiveness of the proposed landscape greenery were in doubt. Besides, a large scale of cumulative vegetation clearance from the coastal area towards hillside (including the site) during 2008 to 2011 was found. The site was close to an existing stream but no information was provided to demonstrate that there would be no adverse impact on the stream during the site formation work. Approval of the application would set an undesirable precedent for similar development in the “GB” zone and the cumulative effect would degrade the natural scenic environment;

#### Local Views and Public Comments

- (f) the District Officer/Islands, Home Affairs Department (DO/Is, HAD) advised that as Mong Tung Wan was a rural area. There was no public transport or vehicular access serving the area. The traffic impact generated by the proposed development during the peak grave sweeping seasons at the Ching Ming and Chung Yeung Festivals should be considered carefully;
  
- (g) during the first three weeks of the statutory public inspection period, 1,149 public comments were received. Among them, 578 commenters supported the application whilst 567 commenters objected to the application. Four commenters had not explicitly expressed support or objection to the application. The major supporting and objecting views were summarised below:

Supporting view

- (i) the proposed private columbarium development would increase the supply of columbarium niches to address the current shortage problem;
- (ii) the site was in a remote location and far away from populated area. It would not incur social interface problem. Besides, the proposed development was considered compatible with the surrounding environment and would not create adverse impacts on ecology, landscape, geology and traffic on the surrounding areas;
- (iii) the proposed development would provide more employment in the area and would better utilize land resources;

Objecting view

- (i) as the proposed development involved illegal clearance of vegetation and slope prior to application, approving the application would set an undesirable precedent of condoning and encouraging the act of “destroy first, develop later”;
- (ii) the proposed development was not in line with the planning intention of the “GB” zone and the conservation strategy in the Revised Concept Plan for Lantau published in 2007;
- (iii) the proposed development would involve clearance of vegetation and pollution to the area, affect the natural habitats of wildlife, increase the risk of fire hazard in the country park, disrupt the fung shui of Mong Tung Wan Village, intrude the traditional lifestyle of the indigenous villagers and bring about psychological impact on villagers and tourists;
- (iv) the submitted technical assessments, especially the TIA, were considered questionable and misleading. The proposed development would bring about extra demand and pressure on existing infrastructure,

hygienic and waste management problems;

Planning Department's View

- (h) PlanD did not support the application based on the assessments made in paragraph 9 of the Paper, which were summarized as follows:

Land Uses

- (i) the site, which was generally covered by grass and wild shrubs, was sandwiched between the Lantau South Country Park and Mong Tung Wan Village. The "GB" zone was an important buffer between the Lantau South Country Park and indigenous village of Mong Tung Wan. The columbarium development was not suitable in the area and "GB" was the appropriate zoning;

Development Scale and Intensity

- (ii) according to the "Landscape Value Mapping Study", the area of the site was of high landscape value. The proposed development was considered out of the scale and not compatible with the coastal landscape and natural character of the surrounding areas of high landscape value;

Visual and Landscape

- (iii) the VIA submitted by the applicant failed to properly appraise the adverse visual and landscape impact on the surrounding area. The CTP/UD&L could not concur with the findings of the VIA as there were a number of inadequacies/omissions. The area of the site was of high landscape value and the footprint of the proposed columbarium buildings would take up a considerable portion of the site. The proposed landscape buffer and at-grade landscaping around the buildings were insufficient;

Nature Conservation

- (iv) the proposed development consisted of smoke-less furnaces for burning joss paper and incense. However, there was insufficient

information in the PER to demonstrate that the proposed finance could effectively reduce the risk of hill fire nor on the concern on the potential air emissions on the air quality on the adjoining Country Park. There was no information on the potential conflict between country park users, villagers and visitors to the site;

#### Environment

- (v) the PER had not adequately addressed DEP's concern on water quality and waste aspects. There was no information on location of septic tank and soak-away pit in the water quality assessment. Whether the proposed sewerage system was a viable option was also a concern;

#### Traffic

- (vi) the C for T had doubt on the assumption of the TIA in particular on using 5000 niches as basis for assessment. The site was inaccessible and the assumption of using ferry-based transport was not realistic. The capacity of the "Central – Cheung Chau" ferry services had already saturated and could not support tourists/worshippers/residents during festival dates. The existing footpath was not able to cope with the expected influx of visitors during the peak visiting seasons and there was no information to improve the land-based traffic management. The TIA submitted failed to demonstrate that the proposed development would cause no adverse traffic impact on the area especially during Ching Ming and Chung Yeung festivals;

#### Crowd Management/Public Safety

- (vii) the TIA did not propose any improvement to the existing footpath. The proposed development would pose threat on crowd management and public safety;

#### Undesirable Precedent

- (viii) approving the proposed rezoning from "GB" to "G/IC(1)" with

columbarium development as Column 1 use which would not be subject to any planning applications or conditions would set an undesirable precedent for similar applications. The cumulative impacts of approving similar applications would overstrain the capacity of the existing and planned infrastructure as well as degradation of the natural environment of the area.

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

8. The Chairman then invited the applicant's representatives to elaborate on the application. With the aid of a Powerpoint presentation, Mr. Hung Shing Yin, Terry made the following main points:

- (a) it was very difficult to provide new columbarium in the urban area owing to the strong objection from local people. The subject site was suitable for columbarium use as it was provided with transport and infrastructure support;
- (b) a ferry pier was located to the north of the site. The site was also connected with Chi Ma Wan Road through a paved footpath;
- (c) the applicant had previously submitted two applications for columbarium use at the subject site, but the applications were later withdrawn as there were grave concerns raised by government departments and the public on the scale of the proposed development. The applicant therefore proposed to substantially reduce the scale of the proposed columbarium from 65,000 niches in the previous proposal to 5,000 niches (15,424 urns) (about 10% of the previous proposal) in the current proposal. The proposed columbarium had been carefully designed to follow the design of village houses to reduce its potential visual impact to the surrounding area. It comprised two 3-storey columbarium buildings linked by a footbridge and furnaces for ancillary joss papers and incense burning services;

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

- (d) more than half of the public comments received (578 out of 1,149 comments) were in support of the proposed columbarium development;
- (e) in respect of the objection raised by other commenters, the responses were as follows:
  - (i) in terms of visual impact, except the ramp connecting to it, the site was not visible as it was mostly screened off by existing trees and there were some Small Houses in the vicinity. To reduce the potential adverse visual impact, periphery planting and Chinese traditional type of building design with green roof and red brick wall would be adopted;
  - (ii) in 2008, the subject site was found dumped with debris including BBQ forks, charcoal, containers, broken boats/cars, furniture, construction materials, fire extinguisher, etc. which had created adverse environmental impact to the area. The applicant therefore decided to remove the debris by bulldozer as the contaminated materials had penetrated into the soil. Since then, the site was gradually overgrown with vegetation as revealed in the aerial photos in 2009 to 2012. The applicant had no intention to deliberately clear the vegetation within the site;
  - (iii) the applicant would not fell any trees surrounding the site. There would also be ample landscape planting within the site such that the development would blend in well with the surrounding environment;
  - (iv) regarding the objection submitted by local villagers, the village houses were all in dilapidated conditions and no villagers were found residing in these village houses;
- (f) the applicant had submitted a response to comments which was tabled for Members' reference;
- (g) the applicant was willing to conduct comprehensive tree survey and improve

the design of the proposed development to reduce any adverse visual impact to address comments of PlanD; and

- (h) it was agreed that development should not be allowed in “Coastal Protection Area”, “Conservation Area” and “Site of Special Scientific Interest” zones and wetland area. However, in view of the shortage of land for development, it was considered that some developments could be allowed in the “GB” zone such as the youth hostel in the area.

9. In response to a Member’s question, Mr. Ivan Chung said that the response to comments was just submitted by the applicant and tabled at the meeting for Members’ consideration. C for T’s comments on the response had yet to be sought. However, as stated in paragraph 7.1.2 of the Paper, C for T did not support the application as the capacity of the “Central-Cheung Chau” ferry service was already saturated and could not support tourists/worshippers/residents during the festive days, the additional traffic generated by the proposed marine traffic arrangement put forward by the applicant would be too heavy to be afforded by the ferry capacity. C for T also had adverse comments on the TIA report submitted by the applicant and questioned the validity of the assessments. In this connection, it was considered that the traffic problem arising from the proposed development had not been satisfactorily resolved.

10. In response to another Member’s questions, Mr. Kelvin Leung said that it was estimated that about 1,000 people would visit the proposed columbarium at Mong Tung Wan and about 700 people would go there by ferry via Cheung Chau per hour. According to information from the Government, more than 50,000 people would go to Cheung Chau during the Bun Festival. While the TIA did not include any assessment on the capacity of the Cheung Chau Ferry Pier to serve the additional demand from the proposed columbarium, as demonstrated by the additional service provided by the ferry company to serve the influx of visitors during the Bun Festival, the ferry pier should have sufficient capacity to serve the additional demand generated by the proposed columbarium.

11. In response to the same Member’s questions on the capacity of the pier at Mong Tung Wan and the footpath, Mr. Kelvin Leung said that a trial run with a ferry with a capacity of 400 passengers from Central to Mong Tung Wan had been conducted. It was

demonstrated that there was no technical problem for the pier to handle ferry with such a capacity. Based on the advice given by TD, a sensitivity test had been undertaken with the assumption that 25% of visitors (about 268 visitors) per hour would go to the proposed columbarium by road transport. It was found that the existing 1.2m wide footpath could achieve grade A standard in terms of level of service which represented a comfortable walking environment.

12. In response to a Member's question on whether the applicant had discussed with the ferry company and TD to improve the ferry service between Cheung Chau and Mong Tung Wan to serve the proposed columbarium and whether the applicant had any contingency plan in case of emergency, Mr. Hung Shing Yin, Terry said that help from relevant government departments would be sought, such as the use of helicopter in case of emergency. The TIA consultant would be requested to provide further study on this aspect. Mr. Kelvin Leung said that he had approached a ferry company to see if the company could provide ferry service to Mong Tung Wan, in case the ferry company currently operating ferry service to Cheung Chau did not want to operate additional service to Mong Tung Wan to serve the proposed development.

13. Mr. W.C. Luk said that the applicant's trip rate survey carried out in Fu Shan Crematorium might not reflect the actual trip generation from newly built columbarium, as Fu Shan Crematorium was built a long time ago and would have a lower trip rate than newly built columbarium. The response to comments tabled by the applicant could not satisfactorily address TD's comments on the subject application, in particular on the trip rate generated by the proposed 5,000 niches (15,424 urns).

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

Deliberation Session

15. A Member said that the application should not be supported as the applicant had not provided sufficient information to demonstrate that the proposed development would not generate adverse impact to the area.

16. Another Member said that the “GB” zone where the application site was located was a scenic and tranquil rural area and should be preserved.

17. In response to the Chairman’s question, Mr. Victory Yeung said that EPD did not support the application as there was concern on water quality and waste disposal aspects of the proposed development.

18. A Member said that the technical assessments provided by the applicant were not adequate to support the proposed development and therefore the application should not be supported.

19. After further discussion, the Chairman summarized Members’ views that the application should not be supported. Members then went through the reasons for rejection as stated in paragraph 10.1 of the Paper. A Member suggested that the applicant’s failure to address the emergency situation should be included as one of the reasons for rejection. Members agreed.

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

- (a) the application site currently covered with shrubs and natural vegetations was located in a scenic landscape and rural setting at the western coast of Chi Ma Wan Peninsula of Lantau Island. It served as an important buffer between Lantau South Country Park and the adjoining village type development of Mong Tung Wan Village which was zoned “Village Type Development”. The planning intention of “Green Belt” (“GB”) zone which was primarily to define the limits of development areas, to preserve existing well-wooded hill-slopes and other natural features was therefore considered compatible and appropriate. There was no strong planning justification to support rezoning the site from “GB” to “Government,

Institution or Community(1)” (“G/IC(1)”) which was intended for columbarium development;

- (b) the site was located at a conspicuous and noticeable coastal location and the proposed columbarium development was considered out of scale with the coastal areas. The applicant failed to demonstrate that the proposed development would not have landscape and visual impacts on the surrounding areas;
- (c) as regards nature conservation, the site was near the Lantau South Country Park. The application failed to provide sufficient information to identify and assess all the potential adverse impacts on both the Country Park and the natural resources therein. Regarding the environmental aspect, there was neither existing nor planned public sewerage system serving the site. The water quality assessment and the waste disposal proposal in the applicant’s submission failed to demonstrate that the proposed development would have no adverse impacts on the environment;
- (d) from traffic and crowd management points of view, the site was inaccessible by land-based public transport and vehicular access. The proposed columbarium development would pose potential adverse marine, vehicular and pedestrian traffic impacts, particularly during Ching Ming and Chung Yeung Festivals. The applicant failed to demonstrate that the marine access, traffic impact, crowd management and emergency access issues associated with the columbarium development could be satisfactorily addressed;
- (e) the proposed columbarium development would not be subject to planning control if the site was rezoned from “GB” to “G/IC(1)” with “columbarium” as a Column 1 use. Approval of the proposed rezoning application was not appropriate for putting such a sensitive use in Column 1 of the Outline Zoning Plan without addressing various land uses and technical issues; and

- (f) approving the proposed rezoning from “GB” to “G/IC(1)” would set an undesirable precedent for similar applications within “GB” zone. The cumulative impacts of approving such similar applications would overtax the capacity of the infrastructures and degrade the scenic landscape and natural environment of the area.

[Mr. Tim T.Y. Fung, Mrs. Margaret Lam and Ms. Lisa L.S. Cheng, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Session Only)]

A/I-LI/18                      Proposed School (3-storey Annex Block) and Minor Relaxation of Building Height Restriction in “Government, Institution or Community(2)”, “Green Belt” and “Village Type Development” zones, Northern Lamma School, No. 1 Yung Shue Ling, Yung Shue Wan, Lamma Island  
(RNTPC Paper No. A/I-LI/18)

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##### **Presentation and Question Session**

21.            Mr. Tim T.Y. Fung, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed school (3-storey annex block) and minor relaxation of building height restriction;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;

- (d) during the first three weeks of the statutory publication period, five public comments from the Lamma Island (North) Rural Committee, member of Lamma/Peng Chau/Cheung Chau Area Committee, village representatives of Sha Po Village and Tai Yuen Village, and chairperson of Lamma North School Alumni Association were received. All of them supported the application as the proposed development would improve the teaching and learning environment of North Lamma School. The proposed building would enhance the teaching quality of the school and would benefit the students. No local objection/view was received by the District Officer (Islands); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. It was noted that all the public comments made were in support of the application.

22. A Member noted that there was a demand for school in north Lamma Island and the school development was supported by the government departments and local people. This Member rendered full support to the application.

#### Deliberation Session

23. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

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

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

- (a) to note the comments of the District Lands Officer/Islands, Lands Department (LandsD) that application for relaxation on non-building area and height restriction was required to implement the proposed development;
- (b) to note the comments of the Chief Engineer/Hong Kong and Islands, Drainage Services Department (DSD) that a public sewer existed in the vicinity of the proposed site but it had not yet been put in service. The applicant was required to carry out sewer connection works at his own cost to the satisfaction of DSD when the public sewer was ready for connection in due course;
- (c) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that site formation works were likely to be required for the proposed development. The applicant was reminded to submit the site formation plans to the Buildings Department (BD) for approval prior to commencement of the works;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing, BD that:
  - (i) before any new building works were to be carried out on the site, the prior approval and consent from the Building Authority should be obtained, otherwise they were unauthorised building works. An Authorised Person should be appointed as the coordinator for the proposed building works in accordance with the Buildings Ordinance;
  - (ii) if the site did not abut a “Specified Street” of not less than 4.5m wide, the development intensity (i.e. plot ratio and site coverage) should be subject to determination under Building (Planning) Regulation 19(3) upon formal submission of building plan for any new buildings. In making such a determination, factors relating to

safety, traffic, service access and drainage capacity would be considered together with the comments from relevant government departments like LandsD, Planning Department, Transport Department, DSD, Fire Services Department (FSD) etc. Without the supports from the relevant government departments, the proposed development intensity was unlikely to be accepted; and

- (iii) the proposal should be provided with emergency vehicular access (EVA) and means of escape to street, and might need to be resolved with FSD and LandsD upon building plan submission;
- (e) to note the comments of the Director of Fire Services that:
  - (i) fire service installations and water supplies for firefighting of the proposed development should be provided to the satisfaction of FSD; and
  - (ii) EVA arrangement should comply with Section 6, Part D of the Code of Practice for Fire Safety in Buildings 2011 administrated by BD.

[The Chairman thanked Mr. Tim Fung, STP/SKIs, for his attendance to answer Members' enquiries. Mr. Fung left the meeting at this point.]

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

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting]

A/SK-PK/198      Proposed House (New Territories Exempted House) in "Residential (Group D)" zone, Lot 184 RP in D.D. 215, Yau Ma Po, Sai Kung  
(RNTPC Paper No. A/SK-PK/198)

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25.            The Secretary reported that during the departmental circulation of the application, the District Lands Officer/Sai Kung of Lands Department advised that more time was

required to verify the land status/building entitlement of the site. As such, Planning Department recommended the Committee to defer a decision on the subject application to the meeting on 8.2.2013.

26. After deliberation, the Committee decided to defer a decision on the application as requested by the Planning Department and agreed that the application should be submitted for its consideration on 8.2.2013.

### **Agenda Item 6**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/TKO/94 Proposed Minor Relaxation of Plot Ratio, Site Coverage and Building Height Restrictions for Permitted Residential (Group A) Development in “Residential (Group A) 4” and “Residential (Group A) 6” Zones, Tseung Kwan O Town Lots 112 and 124 in Area 65C and Tseung Kwan O Town Lots 93 and 126 in Area 68B, Tseung Kwan O (RNTPC Paper No. A/TKO/94)

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27. The Secretary reported that the application was submitted by the District Lands Officer/Sai Kung, Lands Department. Ms. Anita K.F. Lam, a representative of the Lands Department, had declared an interest in this item. The Committee agreed that Ms. Lam’s interest was direct, she should leave the meeting temporarily during the discussion of and determination on this application.

[Ms. Anita K.F. Lam left the meeting temporarily at this point.]

#### **Presentation and Question Session**

28. The Secretary drew Members’ attention that a replacement page (P. 12) of the Paper was tabled at the meeting for Members’ reference.

29. The Secretary reported that two petitions against the application were received.

The first one was submitted by a group of Sai Kung District Council (SKDC) Members objecting to the relaxation of building height (BH) at the application site. Another petition was submitted by another SKDC member, Ms. Fong Kwok Shan, with a model of a black box with words “Black Box Operation” stuck on it. The petition materials and the model were displayed at the meeting for Members’ information.

30. With the aid of a Powerpoint presentation, Ms. Lisa L.S. Cheng, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper:

- (a) background to the application;

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

- (b) the proposed minor relaxation of plot ratio (PR), site coverage (SC) and BH restrictions for permitted residential development:

- (i) the overall maximum domestic PR for the two northern lots (TKOTLs 112 and 124) in the “Residential (Group A) 4” (“R(A)4”) zone was proposed to be increased from 3 to 3.3 and the maximum BH for sub-areas (a) and (b) of the zone to be increased from 65mPD/35mPD to 85mPD/45mPD respectively. The overall non-domestic PR and overall SC would be maintained at 0.5 and 50% respectively. To allow for design flexibility of having the choice to locate a higher proportion of floor space in sub-srea (a) within each lot, the relaxation of the maximum domestic PR from 3 to 5, the non-domestic PR from 0.5 to 1 and SC from 50% to 65% for sub-area (a) were proposed;
- (ii) for the two southern lots (TKOTLs 93 and 126) in the “R(A)6” zone, the maximum domestic PR was proposed to be increased from 2 to 2.4 and the maximum BH for sub-areas (a) and (b) to be increased from 50mPD/35mPD to 65mPD/45mPD respectively. The overall non-domestic PR and SC would be maintained at 0.5 and 50% respectively. The relaxation of the domestic PR, non-domestic PR and SC for sub-area (a) from 2 to 3, 0.5 to 1 and from 50% to 55%

respectively and the domestic PR from 2 to 4 for sub-area (c) were proposed to allow for design flexibility;

(iii) according to the proposed scheme, the total number of flats to be developed at the site would be increased by 15% or about 433 flats from 2,887 to 3,320;

Departmental Comments

- (c) the Secretary for Development supported the application with a view to increasing flat production at the site;
- (d) the Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had no comment on the applicant's Air Ventilation Assessment (AVA) expert opinion that no adverse air ventilation impact would be anticipated as a result of the proposal. The proposal had taken due cognisance of the stepped BH concept for the area. It was considered that the overall planned visual context was capable of accommodating the relaxation sought and the proposal would have negligible visual impact on the overall visual composition of the Tseung Kwan O Town Centre South area. The Chief Architect/ASC, Architectural Services Department (ArchSD) had no adverse comment in principle on the application from visual point of view, noting the minor variation of the planning parameters of the site;
- (e) the Commissioner for Transport advised that overall, there should be adequate parking spaces in Tseung Kwan O South upon the completion of developments with the population intake. The road network in Tseung Kwan O South should have adequate capacity to cater for the additional traffic flow due to the proposed increase in development density and the additional traffic impact on the existing road network and public transport system should be minimal;
- (f) the Project Manager/New Territories East, Civil Engineering and Development Department (CEDD) advised that the existing/committed

infrastructure provision could be able to accommodate the proposed minor relaxation without the need for major improvement works;

Public Comments

- (g) a total of 2,373 public comments were received during the first three weeks of the statutory publication period. Two commenters supported the application. Three commenters suggested that the vacant areas near Lohas Park should be used for subsidized public housing and inquired on the progress of football field/club development in Area 77, which were considered not directly related to the application. The remaining 2,368 comments objecting to the application were summarized below:
- (i) as the current development restrictions were based on the design concept recommended under Feasibility Study for Further Development of Tseung Kwan O completed in 2005 (Feasibility Study) and imposed on the outline zoning plan (OZP) following public consultation, the public felt that they were being cheated and the Government had not kept its promise if such restrictions were relaxed;
  - (ii) increase in the development intensity at the site would result in wall-like buildings, blocking air ventilation and sunlight penetration, thus affecting the health of the local residents at the back;
  - (iii) the intensification of development density would result in an increase in population and aggravate the traffic congestion problem causing extra burden on parking and public transport facilities, road capacity, local infrastructures, and community and healthcare facilities;
  - (iv) there was a lack of technical assessments on the key aspects of traffic, environmental, visual and air ventilation impacts to support the application;
  - (v) the proposed relaxation of PR and BH by 20% and 30% and increase in PR from 2 to 5 were significant and should not be classified as minor

relaxation;

- (vi) the proposal being a departure from the current OZP was unfair to the developers who previously purchased lots in the Town Centre South based on the current OZP restrictions. The proposal would have a bearing on the design and views of the committed developments in the vicinity and would reduce the steps of BH profile from 3 to 2 which would induce adverse visual and air ventilation impacts;
- (vii) approval of the application would set an undesirable precedent for similar cases in the future; and

PlanD's Views

- (h) PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper:
  - (i) the planning intention of the site for high-density residential and commercial uses on the lowest three floors of a building under the "R(A)" zone remained unchanged with the subject application;
  - (ii) against the backdrop of Bauhinia Garden with domestic/non-domestic PR of 7.15/0.1 and the public rental housing development with domestic/non-domestic PR of 4/0.5, the proposed domestic/non-domestic PR for the subject site was still relatively low for prime sites near MTR station;
  - (iii) with the increase in BH, the proposed "high zone" of the subject site at 85mPD would still be 15m lower than the adjoining public rental development and 40m lower than Bauhinia Garden. The key design framework of the stepped BH profile descending towards the waterfront as recommended in the Feasibility Study could be maintained. The higher domestic PR, non-domestic PR and SC proposed for each sub-areas within the site were to allow for design flexibility and the overall domestic PR of the lots within the site

would still maintain at 3.3 and 2.4 respectively. The general urban design concept for the area remained unaffected;

- (iv) a Visual Impact Assessment had been carried out and the CTP/UD&L advised that given the planning intention of the area for high-density residential development and judging from the outlook from major public viewing points to the east of the site, the proposal would have negligible adverse visual impact on the overall visual composition of the Tseung Kwan O Town Centre South area;
- (v) according to the AVA expert's opinion, with the stepped BH profile descending from inland to waterfront still being followed, the higher BH in the proposal could still allow the southerly wind to reach further inland and building downwash to benefit pedestrian level. The Eastern Channel with a width of more than 100m could serve as a breezeway for southerly wind entry into the centre of the town. The proposed increase in BH would not adversely affect air ventilation in the surrounding area. Both CTP/UD&L and Chief Architect/ASC, ArchSD had no comment on the application;
- (vi) regarding the potential impacts on traffic, parking, infrastructure and community facilities and services, all relevant government departments consulted had no adverse comments;
- (vii) the majority of the SKDC members were in support of or had no objection to the proposal; and
- (viii) regarding the public comments on whether the site should be for public housing, as the application was for minor relaxation of development restrictions, the type of housing was not a material consideration. For the public comments on whether the subject application for relaxation of development restrictions was minor and whether the approval of the application would set a precedent, according to the Notes of the OZP, the Board might consider each

case on its individual merits through the planning application system.

31. Regarding PlanD's claim that most SKDC members supported or had no objection to the proposal, a Member asked whether there was any record of the meeting showing the discussion in the SKDC meeting. Ms. Lisa Cheng said that the relevant SKDC meeting was held on 6.11.2012 and there was no voting on the proposal at the meeting. The comments raised by the SKDC members at the meeting were summarized in paragraph 4.2 of the Paper. Noting that the proposed increase in development intensity were moderate without compromising the stepped building height design concept, the majority of the SKDC members were in support of or had no objection to the proposal. Other members expressed concerns or objected to the proposal on the grounds of adverse traffic impact, blockage of view, sunlight and ventilation, and some advocated that the site should be for public housing, not private development.

32. The Secretary suggested that the minutes of the relevant SKDC meeting should be provided for Members' reference when available.

33. Noting that the existing development restrictions imposed on the OZP for the application site were in accordance with a comprehensive Feasibility Study, a Member asked what were the basis and grounds for the proposed relaxation of the development restrictions and how the current proposal had deviated from the recommendations in the Feasibility Study. This Member and another Member also asked if the Feasibility Study had allowed certain flexibility for an increase in development intensity, and if not, whether further study had been undertaken for the whole planning scheme area to justify the proposed increase in development intensity and BH, and whether there would be any corresponding decrease in development intensity in other sites to offset the impact of the proposed increase in the subject site.

34. Another Member asked if there was any assessment on the air ventilation impact generated by the proposed relaxation on the school at the back of the subject site.

35. Ms. Lisa Cheng replied that the existing development restrictions for the subject application site were imposed based on the urban design concept recommended in the

Feasibility Study. The current proposal was derived based on an urban design study with detailed layout testing and urban design assessments with a view to attaining an optimal increase in flat supply from the site while maintaining the stepped BH profile of the entire Town Centre South and the overall visual quality of the townscape. The increase in development intensity proposed for the site was modest for such a prime waterfront location within walking distance from a MTR station. Ms. Lisa Cheng went on to point out that an AVA had been carried out. The AVA expert consulted had confirmed that the proposed increase in BH would not adversely affect air ventilation in the surrounding areas, including the schools nearby.

36. In response to a Member's question, Ms. Lisa Cheng said that the Feasibility Study was conducted with an objective to reduce the development intensity in Tseung Kwan O Town Centre South area and did not explicitly make any recommendation regarding the flexibility for increase in development intensity. However, it should be noted that with the incorporation of development restrictions in the OZP as recommended under the Feasibility Study, the planned population for Town Centre South had been reduced by 25% from 25,400 to 18,900. With an increase in population of about 1,000 people under the current proposal, there would still be a 22% reduction in overall population in the area as compared with the originally planned population of 25,400 people.

### Deliberation

37. A Member said that any relaxation of the development restrictions imposed on the OZP should only be allowed when there were strong justifications. This Member considered that if the Feasibility Study conducted in 2005 did not allow any flexibility for an increase in development intensities in the area, further study should be undertaken to assess the impact on the currently proposed increase in development intensity for the subject site.

38. The Secretary explained that the Feasibility Study in 2005 was conducted in response to a request from the community to reduce the development intensity in Tseung Kwan O Town Centre South area to improve the living environment. While the development restrictions as recommended in the Feasibility Study had been incorporated in the OZP, generally, there would be a float/flexibility built in this type of engineering study in terms of infrastructure provision. As such, the infrastructure provided in the area should

have sufficient spare capacity to accommodate the increase of 433 flats and 1,000 persons resulted from the proposed increase in development intensity under the subject application. Relevant government departments had undertaken separate assessments on the proposed increase in development intensity and BH on different aspects including air ventilation, visual, traffic and infrastructure provision issues and considered that the proposal under application was acceptable. Regarding the public comments on the promise made by the Government to reduce the development intensity in the area under the 2005 Feasibility Study, it should be noted that as planning was an on-going process, revision to the plan would be made in response to changing planning circumstances and public aspiration. The Board had also made amendments to OZPs from time to time and considered applications for amendment of plans to allow for change in planning intention and development intensities of sites for proposals supported with strong justifications and technical assessments to demonstrate no adverse impact under the provisions of the Ordinance. In the subject case, the proposed increase in development intensity of the application site was a response to the imminent need to increase housing supply.

39. A Member said that there might be concern that the increase in development intensity at the application site would benefit private developer. This Member noted that there were many local objections against the application. These concerns had to be addressed before a decision on the application was to be made.

40. A Member said that while flexibility might have been built in the Feasibility Study, the development restrictions imposed on the OZP should be the optimal development scale recommended under the Study. This Member considered that the flexibility allowed under the Feasibility Study should not constitute a reason for the proposed increase in development intensity.

41. A Member said that the Board had all along been very strict in considering planning applications for minor relaxation of development restrictions. Application for minor relaxation of development restrictions submitted by private developers would only be granted provided that the proposal was supported by strong planning and design merits and there was no adverse impact as demonstrated by detailed technical assessments. This Member also considered that a 10% to 20% increase in development intensity and 10m to 20m increase in BH could not be considered as minor. Two other Members concurred and

said that more information to demonstrate the merits of the proposal should be provided.

42. A Member said that the Government should be careful in considering different options to increase housing supply. This Member noted that the proposed new development area at North East New Territories would provide opportunity to increase housing supply, but the proposed increase in development intensity of the application site would only provide an additional 433 flats to accommodate 1,000 persons. Approving the subject application for minor relaxation without strong justification would set an undesirable precedent for similar applications submitted by private developers.

43. Another Member said that the minor relaxation of the development restrictions of some housing sites could be one of the options to increase the housing supply. However, it was important for the community to reach a consensus on the suitable methods to increase housing supply.

44. The Secretary explained that the Government was committed to increasing flat production to meet the housing demand of the community. To achieve the objective, government departments had worked together to identify sites which were readily available for development and had room to increase their development potential. For the subject case which involved lots due to be sold, about 433 additional flats could be produced through minor relaxation of development restrictions on application to the Board under the s.16 mechanism. In parallel, planning for the new development areas had been on-going but such proposals would require detailed studies and amendments to the relevant OZPs would take much longer time before new flats could be produced.

45. Regarding the concerns on whether the relaxation of the development restrictions should be considered as minor, the Secretary pointed out that the Notes of the OZP had stipulated that the Board could consider minor relaxation of the PR/SC and BH restrictions under s.16 of the Ordinance, based on the individual merits of a development proposal. There was no fixed percentage on what constituted minor, which should depend on consequence, impact and implications. For the subject case, while the PRs for the “R(A)4” and “R(A)6” zones were proposed to be increased by 10% and 20% respectively, the proposal would represent an overall increase of GFA of the site by 15%. Members should consider if the increase in housing supply under the proposal was a planning merit which

justified the minor relaxation of the development restrictions. Since the application site had yet to be sold, the relaxation of the development restrictions would not directly benefit any particular private developer. For similar applications submitted by private developers for specific sites, the applicants could work out detailed design for the consideration of the Board. As the application site had not been sold, there would not be any detailed design of the future development to demonstrate design merit. The application did include proposals to enhance pedestrian circulation, visual permeability and air ventilation along the waterfront and preventing wall-like buildings by specifying requirements under the lease for the subject lots for the provision of a 10-m-wide pedestrian walkway/non-building areas (NBAs) between TKOTL 112 and TKOTL 124, and between TKOTL 93 and TKOTL 126 as well as a 15m-wide NBA in a north-south direction in the centre of TKOTL 93 and TKOTL 126. Such proposals would contribute to the improvement of the amenity value of the Town Centre South area.

46. A Member asked if the application could be deferred to allow further consideration. Another Member however opined that a deferral should normally relate to the need for more information to clarify technical issues. For the subject case, the Committee had to consider whether the proposal to increase housing supply was a strong planning merit to justify a relaxation of the development restrictions. A Member considered that the application should be referred to the full Board for consideration and to allow time for PlanD to provide more information on the planning merits of the subject proposal and to provide further information on the SKDC's concerns for Members' information. This was supported by other Members.

47. The Chairman concluded that Members generally recognised that there was a need to increase housing supply and to obtain planning permission to increase development intensity through minor relaxation was a way to increase the supply of flats. It was also noted that the infrastructure provision in the area had the capacity to cater for the increase in population proposed under the subject application for minor relaxation of development restrictions. Furthermore, with the proposed increase in BH at the subject site, the stepped BH profile as recommended in the Feasibility Study in 2005 could still be maintained. Regarding some Members' concerns that the relaxation of BH and PR might not be considered as minor, the Chairman said that there was no benchmark on what percentage of increase should be considered as minor. Each case should be considered on its individual

merits.

48. In view of the concerns of the community in the need to increase housing supply and the strong local objections received on the subject application, the Chairman said that the application should be referred to the full Board for consideration. Members also agreed that information on the discussion of the SKDC on the proposal should be provided for Members' reference and that CEDD should be invited to attend the Board's meeting to explain the Feasibility Study for Further Development of Tseung Kwan O.

49. After further deliberation, the Committee decided to refer the application to the full Board for consideration. The Committee also agreed to invite CEDD to attend the Board's meeting to explain the Feasibility Study for Further Development of Tseung Kwan O.

[The Chairman thanked Mrs. Margaret W.F. Lam and Ms. Lisa L.S. Cheng, STPs/SKIs, for their attendance to answer Members' enquiries. Mrs. Lam and Ms. Cheng left the meeting at this point.]

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

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

[Ms. Jacinta K.C. Woo, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), Mr. C.T. Lau, Ms. Maggie M.Y. Chin and Mr. Anthony K.O. Luk, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited to the meeting at this point.]

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

### **Agenda Item 7**

[Open Meeting]

Proposed Amendments to the

Approved Pak Shek Kok (East) Outline Zoning Plan No. S/PSK/9

(RNTPC Paper No. 10/12)

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50. Dr. W.K. Lo had declared an interest in this item as he was a member of the Board of Directors of the Hong Kong Science and Technology Parks Corporation. The Committee considered that Dr. Lo's interest was direct and he should leave the meeting temporarily during the discussion of and determination on this item.

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

51. With the aid of a Powerpoint presentation, Mr. C T. Lau, STP/STN, briefed Members on the proposed amendments to the approved Pak Shek Kok (East) Outline Zoning Plan (OZP) as detailed in the Paper :

Background

- (a) a piece of government land (about 9.51 ha) in Pak Shek Kok (zoned "Recreation" ("REC")) had previously been reserved for the development of training pitches for team sports by the Home Affairs Bureau (HAB). Since there was no firm development programme for the sports training pitches, HAB agreed in-principle to release the "REC" site for other uses. The "REC" zone could be partly rezoned for residential use to meet the housing need and partly rezoned to cater for the expansion of the Hong Kong Science Park (HKSP);

Proposed Amendments to the Approved Pak Shek Kok (East) OZP

Amendment Items A1 to A3 - Rezoning of a Site (about 3.8 ha) from "REC", "Open Space" ("O") and "Road" to "Residential (Group B)5" ("R(B)5")

Planning Intention/Land Use Compatibility

- (b) Pak Shek Kok was mainly occupied by HKSP and a number of medium-density residential developments. The proposed "R(B)5" zone would be subject to a maximum overall plot ratio of 3.5 and a maximum building height of 52mPD. A non-building area (NBA) of about 25m wide along the southwestern boundary of the proposed "R(B)5" zone was

also proposed to enhance air ventilation of the area as recommended by the air ventilation assessment and to minimise any potential interface issue between the “R(B)5” zone and the proposed HKSP expansion site;

- (c) regarding the affected public toilet within the “O” zone, the Food and Environmental Hygiene Department (FEHD) and Leisure and Cultural Services Department (LCSD) agreed to close the public toilet given that there were two other public toilets in the vicinity. As for the closure of a public car park, taxi and mini-bus laybys at the end of Fo Chun Road, having considered that there were sufficient car parking spaces available within HKSP, Transport Department (TD) and Highways Department (HyD) had no objection to the closure of these facilities provided that laybys for public transport would be provided along Fo Yin Road and Fo Chun Road. To facilitate traffic circulation, a roundabout would be provided in the eastern end of Fo Chun Road;

#### Visual Impact /Air Ventilation Assessments

- (d) the proposed development intensity and height restriction of 52mPD of the “R(C)5” site would not cause noticeable visual impact when viewing from vantage points at Tai Po Waterfront Promenade (eastern end) and Ma On Shan Waterfront Promenade. The recommended NBA of about 25m wide along the southwestern boundary of the proposed “R(B)5” zone would be conducive to enhance local air ventilation;

#### Amendment Items B1 to B3 - Rezoning of a Site (about 8 ha) from “REC”, “O” and “Road” to “Other Specified Uses” (“OU”) annotated “Science Park”

#### Planning Intention/Land Use Compatibility

- (e) as requested by the Commissioner for Innovation and Technology (CIT), an area of about 8 ha was required for HKSP to cater for its expansion. Given its proximity to the existing HKSP, the proposed “OU(Science Park)” site would serve as a logical and natural expansion of HKSP. For the existing “OU(Science Park)” zone, an average plot ratio of 2.5 and a building height of not more than 40 metres were stipulated in the Explanatory Statement (ES). The existing HKSP had also adopted a stepped height concept

descending from Tolo Highway to Tolo Harbour;

Visual Impact/ Air Ventilation Assessments

- (f) the proposed development scale and parameters were in line with the existing developments in HKSP Phases 1 to 3. At present, the existing developments in HKSP were generally medium-rise buildings of 5 to 9 storeys. It was expected that the buildings in the HKSP expansion area in the proposed “OU(Science Park)” zone would likely adopt similar built form and no significant adverse visual impact was anticipated;

Traffic, Environment and Infrastructural Impacts

- (g) Pak Shek Kok area had been comprehensively planned to cater for medium-density residential developments, HKSP and recreational facility under the Feasibility Study for Pak Shek Kok Development Area conducted by the then Territory Development Department in 1998. The planned population and employment places of Pak Shek Kok would be about 11,100 and 19,500 respectively which were still within the capacity of the planned scenario as proposed in the feasibility study. In this regard, no major issue on infrastructure capacity was anticipated;

Amendment Item C – Rezoning of a Site (about 1.2 ha) from “O” to “Government, Institution or Community” (“G/IC”)

- (h) the OZP would be amended to reflect the existing GIC facilities including a public transport interchange to the south of the “R(B)2” site and an existing sewage pumping station at Fo Shing Road;

Amendment Item D – Incorporation of a NBA in “R(B)4” zone

- (i) based on the recommendations of an Expert Evaluation on Air Ventilation Assessment conducted in 2008, a NBA of about 15m wide had been recommended in the “R(B)4” site to improve air ventilation to the central Pak Shek Kok area;

Proposed Amendments to the Notes and ES

- (j) the major proposed amendments to the Notes included the revision to the Notes of the “R(B)4” zone; incorporation of the Notes for “R(B)5” zone; and deletion of the set of Notes for “REC” zone. Opportunity was also taken to revise the exemption clause for plot ratio calculation in relation to caretaker’s quarters in the Remarks of the Notes for “R(B)” zones;
- (k) the ES of the OZP was proposed to be revised to take into account the proposed amendments;

Consultation

- (l) the proposed amendments to the approved OZP had been circulated to the relevant departments and they had no objection to or no comment on the proposed amendments; and
- (m) the Tai Po District Council (TPDC) would be consulted after the Committee’s agreement to the proposed amendments either before the gazetting of the proposed amendments to the OZP or during the exhibition period depending on the meeting schedules of TPDC.

52. A Member enquired whether a stepped height profile would be adopted in the area subsequent to the amendments to the OZP. Ms. Jacinta Woo advised that according to the Notes of the OZP, the residential zone in the area had been divided into different sub-areas subject to different building height restrictions (BHR) and stepped height profile was adopted with the lower BH near the waterfront. The sub-areas “R(B)1” and “R(B)3”, which were located near the coast, were subject to BHR of 30m whereas the sub-areas “R(B)2” and “R(B)4” located in the inner area were subject to BHR of 45m. The sub-area “R(B)5” was subject to BHR of 52mPD which had made reference to that of the adjacent sub-area “R(B)4” which was subject to a BHR of 45m, and taking into account that there was a 7m difference in site formation level.

53. After further deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Pak Shek Kok (East)

Outline Zoning Plan (OZP) No. S/PSK/9 and that the draft Pak Shek Kok (East) OZP No. S/PSK/9F at Attachment II (to be renumbered to S/PSK/10 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance;

- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Pak Shek Kok (East) OZP No. S/PSK/9F as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Pak Shek Kok (East) OZP and issued under the name of the Board together with the Plan.

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

### **Agenda Item 8**

[Open Meeting]

Proposed Amendments to the

Approved Kwu Tung South Outline Zoning Plan No. S/NE-KTS/12

(RNTPC Paper No. 11/12)

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54. With the aid of a Powerpoint presentation, Ms. Maggie Chin, STP/STN, briefed Members on the proposed amendments to the approved Kwu Tung South Outline Zoning Plan (OZP) as detailed in the Paper :

#### *Proposed Amendments to the Approved Kwu Tung South OZP*

Amendment Items A1 and A2 (about 7,349 m<sup>2</sup>) - Rezoning the Ex-Kin Tak Public School site and a piece of government land to its immediate west and south from “Government, Institution or Community” (“G/IC”) (about 6,127 m<sup>2</sup>) and “Agriculture” (“AGR”) (about 1,222 m<sup>2</sup>) to “Residential (Group C)2” (“R(C)2”)

Amendment Item A3 (about 798 m<sup>2</sup>) - Rezoning an area to the north of the Ex-Kin Tak Public School site from “G/IC” to “AGR”

Planning Intention and Need for “G/IC” Site

- (a) the Ex-Kin Tak Public School site was a piece of government land located at Lin Tong Mei, Sheung Shui. The subject school was closed in 2006 and the site had been left vacant since then. The Secretary for Education (SED) had indicated no intention to use or reserve the “G/IC” site for school development due to its remote location. Other government departments also indicated no intention to use the site for their respective government, institution or communities (G/IC) uses;

Rezoning for Residential Use/Land Use Compatibility

- (b) in view of the local character, land use compatibility and the need for housing land to meet the territorial demand, it was considered suitable to rezone the Ex-Kin Tak Public School site for low-rise, low-density residential development to optimize the use of scarce land resources. Opportunity had been taken to rationalize the zoning boundary of the proposed residential development to include the residual vacant government land (zoned “AGR”) to the immediate west and south of the school site;
- (c) taking into account the scale and development intensity of the residential development in the surrounding areas and need for design flexibility, it was proposed to rezone the concerned area from “G/IC” and “AGR” to “R(C)2” with a maximum plot ratio (PR) of 0.4, site coverage (SC) of 20% and building height (BH) of 3 storeys including car park;

Consequential Rezoning of Remaining “G/IC” zone

- (d) apart from the Ex-Kin Tak Public School, the original “G/IC” zone covered portions of private land to its north. The concerned private land was partly left vacant and covered with vegetation and partly used as a plant nursery. As the area was part and parcel of the larger “AGR” zone to the north, it was appropriate to rezone the private land from “G/IC” to “AGR”;

Visual and Landscape Impact Assessment

- (e) the school site was generally located in a rural setting comprising predominantly low-rise and low-density residential developments. The proposed development scale and BH were consistent with the character of the neighbourhood. However, as there were some mature trees within the school site, a tree survey should be conducted by the future developer. Existing trees adjacent to Fan Kam Road should also be preserved as far as possible. Detailed requirements on tree preservation and landscape proposal would be incorporated in the land lease document;

Traffic, Environmental and Infrastructural Impacts

- (f) the site was accessible by Fan Kam Road. A road reserve of 20m for Fan Kam Road had been earmarked on the Kwu Tung South OZP for future widening. In view of the proposed low-density development and the existing traffic condition of the area, the proposed development would unlikely induce adverse traffic impact on the area;
- (g) the proposed rezoning would not have significant adverse environmental and infrastructural impacts on the surrounding areas. The site was located within the Deep Bay catchment area and the proposed residential development had to meet the 'no net increase in pollution load' requirement. Relevant government departments consulted had no adverse comment on the rezoning proposals;

Amendment Item B (about 19,478 m<sup>2</sup>) - Rezoning of an area to the south of Kwu Tung Road and to the west of Hang Tau Road from "AGR" to "Comprehensive Development Area" ("CDA")

- (h) on 23.9.2011, the Committee agreed to a s.12A rezoning application (No. Y/NE-KTS/3) by rezoning an area (about 1.94 ha) located to the south of Kwu Tung Road and to the west of Hang Tau Road from "AGR" to "CDA" for a proposed residential development of 34 three-storey (including car park) houses with ancillary recreational facilities. The proposed "CDA" zone

was subject to a maximum PR of 0.4, a maximum SC of 25% and a maximum BH of 3 storeys including car park;

Amendment Item C (about 5,855m<sup>2</sup>) - Rezoning of an area to the east of Hang Tau Road from “G/IC” to “R(C)2”

- (i) on 19.10.2012, the Committee agreed to a rezoning application (No. Y/NE-KTS/4) by rezoning an area located to the east of Hang Tau Road from “G/IC” to “R(C)2” for a proposed low-rise and low-density residential development of three 2-storey houses. Noting that the concerned application site occupied a portion of the larger “G/IC” zone at Hang Tau Road and taking into account the surrounding land uses, the Committee considered that opportunities should be taken to rezone the central portion of the undesignated “G/IC” zone (including the concerned application site) to “R(C)2” with a maximum PR of 0.4, a maximum SC of 20% and a maximum BH of 3 storeys including car park;

Amendment Items D1, D2 and D3 (about 9,841m<sup>2</sup>) - Rezoning of the as-built Hang Tau Road from “AGR”, “G/IC” and “Recreation” (“REC”) to an area shown as ‘Road’

- (j) an area was proposed to be rezoned from “AGR”, “G/IC” and “REC” to an area shown as ‘Road’ to reflect the as-built alignment of Hang Tau Road;

*Proposed Amendments to the Notes and Explanatory Statement (ES)*

- (k) to reflect the rezoning proposal, the Notes for the “Comprehensive Development Area” (“CDA”) zone would be suitably amended by addition of the remarks about the new “CDA” zone to the south of Kwu Tung Road and west of Hang Tau Road. Provision had been made in the Notes of the “CDA” zone for minor relaxation of PR/SC/BH restrictions through the planning application mechanism;
- (l) the ES of the OZP was proposed to be revised to take into account the proposed amendments;

Consultation

- (m) the proposed amendments had been circulated to relevant government departments for comments. All of them had no objection or no adverse comment on the proposed amendments; and
- (n) the North District Council and the Sheung Shui District Rural Committee would be consulted on the amendments during the exhibition period of the draft Kwu Tung South OZP.

55. In response to a Member's enquiry, Ms. Jacinto Woo replied that the Kin Tak Public School was not a historical building.

56. A Member said that in identify users of a vacant site, the Home Affairs Department (HAD) should be consulted on whether the site was required for use by any social enterprise.

57. After deliberation, the Committee decided to :

- (a) agree to the proposed amendments to the approved Kwu Tung South Outline Zoning Plan (OZP) No. S/NE-KTS/12 and that the draft Kwu Tung South OZP No. S/NE-KTS/12A at Attachment II (to be renumbered to S/NE-KTS/13 upon exhibition) and its Notes at Attachment III of the Paper were suitable for exhibition under section 5 of the Town Planning Ordinance;
- (b) adopt the revised Explanatory Statement (ES) at Attachment IV of the Paper for the draft Kwu Tung South OZP No. S/NE-KTS/12A as an expression of the planning intentions and objectives of the Board for the various land use zonings on the Plan; and
- (c) agree that the revised ES was suitable for exhibition together with the draft Kwu Tung South OZP and issued under the name of the Board together

with the Plan.

[The Chairman thanked Ms. Jacinta Woo, DPO/STN, for her attendance to answer Members' enquiries. Ms. Woo left the meeting at this point.]

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

### **Agenda Item 9**

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

[Open Meeting]

Y/NE-PK/4                      Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11, to rezone the application site from "Green Belt" to "Government, Institution or Community (1)", Lot 2100 (Part) in D.D. 91, Tai Lung, Ping Kong, Sheung Shui  
(RNTPC Paper No. Y/NE-PK/4)

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58.            The Secretary reported that on 7.12.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the ecological and traffic issues raised by concerned government departments.

59.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within 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 submission of further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/DPA/NE-HH/34 Proposed House (New Territories Exempted House – Small House) in  
“Unspecified Use” zone, Government Land in D.D. 283,  
Hoi Ha Village, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-HH/34)

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**Presentation and Question Session**

60. Mr. David Y.M. Ng, STP/STN, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 and Appendix IV of the Paper;
- (d) during the first three weeks of the statutory publication period, three public comments submitted by Kadoorie Farm and Botanic Garden Corporation, WWF Hong Kong, and a member of the public against the application were received. Their major views were summarized as follows :
  - (i) the Hoi Ha enclave was bounded on three sides by Sai Kung Country Park and on the other side by the Hoi Ha Wan Marine Park, which was a Site of Special Scientific Interest (SSSI). The proposed Small House would have adverse ecological and landscape impacts on the area;
  - (ii) the increase in the number of Small Houses at Hoi Ha might overload the soakaway system in the area, thus polluting water quality and Hoi

Ha Wan Marine Park;

- (iii) all the parking spaces in Hoi Ha had already been occupied by residents' vehicles. Residents in Hoi Ha needed private vehicles and parking facilities because public transport was inadequate;
  - (iv) the applicant had not submitted any technical assessments including environmental, traffic, visual, landscape, geotechnical, sewerage, risk impacts/assessments as well as planning studies and tree survey to prove that the development had no adverse impacts;
  - (v) Hoi Ha was covered by a development permission area (DPA) plan and there was a presumption against development for the area. The Board's recent practice of allowing applications on a one-off piecemeal basis, without a sustainable layout, was contrary to the presumption;
  - (vi) there was a smell of collusion and improper official influence being used in favour of applicants. Any member of the Board or staff of concerned government department who had an interest or had been approached directly or indirectly by anyone soliciting a favourable vote should declare an interest and leave the meeting; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. With respect to the public comments on the ecological concern relating to the Hoi Ha Wan Marine Park/SSSI and Country Park, DEP advised that given the small scale of the proposed Small House, it was unlikely to cause major pollution. He had no objection to the proposed development subject to the certification of compliance with ProPECC 5/93 by an Authorised Person regarding the design and construction of the septic tank and soakaway system. Regarding the public comments on the lack of relevant impact assessments, relevant government departments consulted had no adverse comments on or objection to the application. Approval

conditions and advisory clauses, as appropriate, could be imposed to address the concerns raised. LandsD also advised that availability of land for parking and access in a village environment were not prerequisite for a Small House development under the Small House Policy. On the comments of presumption against development under the DPA plan, it should be noted that it was not the intention of the DPA plan to prohibit development but rather to establish planning control of the area pending the completion of detailed analysis and studies to establish land uses in the course of preparing an OZP. With respect to the public comment on potential conflict of interest of government officials and members of the Board, it should be noted that there were established safeguarding rules and regulations for avoiding conflicts of interest within the Administration and in accordance with the Board's Practice and Procedures. In this regard, the Secretariat of the Board had written to this member of the public to explain how the Board handled and safeguarded against conflicts of interest.

61. Members had no question on the application.

#### Deliberation Session

62. A Member suggested to revise the wording of advisory clause (a) from "impacts on the nearby vegetation" to "impacts on the nearby fung shui woodland". Members agreed.

63. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition :

- the submission and implementation of drainage proposal, including proposals to ensure that the proposed Small House would neither obstruct overland flow nor adversely affect existing natural streams, village drains, ditches and the

adjacent areas, to the satisfaction of the Director of Drainage Services or of the TPB.

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

- (a) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should implement good site practice and confine all construction works within the application site to avoid adverse impacts on the nearby fung shui woodland;
- (b) to note the comments of the Director of Environmental Protection that the applicant should obtain the certification of compliance with ProPECC 5/93 by an Authorised Person regarding the design and construction of the septic tank and soakaway system;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that public stormwater drain was not available for connection in Hoi Ha Village. The applicant was required to provide proper stormwater drainage system to collect all runoff generated within the site or flowing towards the site from surrounding areas, and discharge the runoff collected to a proper discharge point. Any proposed drainage works, whether within or outside the site boundary, should be constructed and maintained by the applicant at his own expense. The applicant/owner was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
- (d) to note the comments of the Director of Fire Services that the applicant should observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;

- (e) to note the comments of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant should make necessary submission to the District Lands Officer/Tai Po (DLO/TP), LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provisions of the Buildings Ordinance;
- (f) to note the comments of the Commissioner for Transport that the nearby village access was not under the management of the Transport Department. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comment of the Chief Highway Engineer/New Territories East, Highways Department that the access road from Hoi Ha Road to the application site was not maintained by his Office;
- (h) to note the comments of the DLO/TP that if and after planning approval had been given by the TPB, his Office would process the Small House application, and if the Small House application was approved by the LandsD acting in the capacity as landlord at its sole discretion, such approval would be subject to such terms and conditions as might be imposed by LandsD;
- (i) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to

WSD's standards. The water mains in the vicinity of the site could not provide the standard pedestal hydrant; and

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

[The Chairman thanked Mr. David Ng, STP/STN, for his attendance to answer Members' enquiries. Mr. Ng left the meeting at this point.]

## **Agenda Item 11**

### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/DPA/NE-TKLN/3 Proposed 6 Houses (New Territories Exempted Houses – Small Houses) in “Recreation” zone, Government land in the north-east of Kaw Liu Village, Ta Kwu Ling North  
(RNTPC Paper No. A/DPA/NE-TKLN/3)

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65. The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with the Civil Engineering and Development Department (CEDD), the applicant of the application, and AECOM, the consultant of CEDD. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting. Mr. Ivan Fu had also declared an interest in this item as he had current business dealings with AECOM, the consultant of the applicant. As Mr. Fu did not have direct involvement in the subject application, Members agreed that he could stay in the meeting for the item.

### **Presentation and Question Session**

66. 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 six Houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Annex III of the Paper. The Secretary for Development (SDEV) offered strong support for the application as an exceptional case which was justified on the need for the timely clearance of the existing building lots for the completion of the construction of Liantang/Heung Yuen Wai Boundary Control Point (BCP) by 2018. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the

application on grounds that there were agricultural activities at the application site and its vicinity, and the site had high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 30 public comments were received. Two public comments supported the subject application. A public comment received from the Kadoorie Farm and Botanic Garden Corporation (KFBGC) objected to the application on grounds that the 6 proposed Small Houses were not in line with the planning intention of the “Recreation” (“REC”) zone and approval of the application would set a bad precedent for similar applications in the area. The remaining 27 identical public comments (signed by 27 local villagers) were against the application mainly on grounds that the Government had offered unfair treatments to local villagers by rejecting their applications for Small House developments at the application site but to consider the application submitted by a government department for development of six Small Houses at the site. No local objection/view was received by the District Officer (North); and
  
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding DAFC’s comments, the proposed Small Houses were considered not incompatible with the existing rural landscape character. Regarding the public comments against the application on grounds of Government’s unfair treatment to the local villagers’ application for Small House development, the issue was regarded as a land administration matter which would be dealt with by Lands Department. The comments of the KFBGC on the contravention of planning intention of the “REC” zone and setting a bad precedent for similar applications in the area, the proposed development was not incompatible with the surrounding developments. The construction of Liantang/Heung Yuen Wai BCP and its connecting road had strategic significance for Hong Kong’s future development. The subject application should be treated as an exceptional case to facilitate the

timely clearance of the affected building lots for the BCP project. Its approval should not set an undesirable precedent for other similar applications within “REC” zone.

67. Members had no question on the application.

#### Deliberation Session

68. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) the submission and implementation of drainage proposals to the satisfaction of the Director of Drainage Services or of the TPB; and
- (b) the submission and implementation of landscaping and tree preservation proposals to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the Director of Fire Services that:
  - (i) the applicant was reminded to observe the ‘New Territories Exempted Houses – a Guide to Fire Safety Requirements’ published by Lands Department (LandsD); and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD; and
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the water mains in the vicinity of the application site could not provide the standard pedestal hydrant.

[The Chairman thanked Mr. Otto Chan, STP/STN, for his attendance to answer Members' enquiries. Mr. Chan left the meeting at this point.]

### **Agenda Items 12 to 15**

#### **Section 16 Applications**

[Open Meeting]

A/DPA/NE-TKP/15 Proposed Rebuilding of House (New Territories Exempted House) in "Unspecified Use" zone, Lot 828 RP in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18B)

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A/DPA/NE-TKP/16 Proposed Rebuilding of House (New Territories Exempted House) in "Unspecified Use" zone, Lot 828A in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18B)

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A/DPA/NE-TKP/17 Proposed Rebuilding of House (New Territories Exempted House) in "Unspecified Use" zone, Lot 986 in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18B)

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A/DPA/NE-TKP/18 Proposed Rebuilding of House (New Territories Exempted House) in "Unspecified Use" zone, Lot 827 in D.D. 293 and Adjoining Government Land, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/15 to 18B)

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70. The Committee noted that the applied use for the four applications for rebuilding of NTEH was similar in nature and the application sites were located in close proximity to each other and within the same zone. The Committee agreed that these applications could be considered together.

71. The Secretary reported that on 29.11.2012, the applicants' representative requested for a deferment of the consideration of the applications for two months in order to

allow time for the applicant to prepare response to comments of various government departments.

72. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the applications 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 further information, and since this was the third deferments, the applicant had not submitted any further information to address the comments/concerns from government departments and a total of six months had been allowed, this was the last deferment of the applications and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 16**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-KTN/161      Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” and “Village Type Development” zones, Lot 1363 RP in  
D.D. 95, Ho Sheung Heung Village, Sheung Shui  
(RNTPC Paper No. A/NE-KTN/161)

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#### **Presentation and Question Session**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House – Small House);
- (c) departmental comments – concerned government departments had no

objection to or adverse comments on the application as detailed in paragraph 9 and Appendix IV of the Paper;

- (d) during the first three weeks of the statutory publication period, one public comment from a North District Council member who supported the application to meet the need of the concerned villager was received. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The public comment in support the application was noted.

74. Members had no question on the application.

#### Deliberation Session

75. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) to note the comments of Chief Engineer/Development(2), Water Supplies Department (WSD) that:
  - (i) for provision of water supply to the development, the applicant

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

- (ii) the site was located within WSD flooding pumping gathering ground;
- (b) to note the comments of Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment/disposal facilities for the proposed development; and
- (c) to note the comments of Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD.

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-KTN/162      Temporary Shop and Services (Real Estate Agency and Showroom) and Office for a Period of 3 Years in "Agriculture" zone and Area shown as "Road", Lot 540 RP (Part) in D.D. 92 and adjoining Government Land, Castle Peak Road, Kwu Tung, Sheung Shui (RNTPC Paper No. A/NE-KTN/162)

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**Presentation and Question Session**

77. Ms. Maggie M.Y. Chin, STP/STN, 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 and showroom) and office for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, two public comments from the Vice-chairman of North District Council and a member of the North District Council indicated no comment on the application were received. The District Officer/North advised that the Residents Representative of Yin Kong raised objection to the application on grounds of adverse impact to the traffic condition and attraction of increased number of strangers to the area. The incumbent North District Council member, the Chairman of Sheung Shui District Rural Committee and the Indigenous Inhabitants Representative of Yin Kong had no comment on the application; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the objections from local residents on traffic grounds and possible increase in number of strangers to the area, the Commissioner for Transport and Commissioner of Police had no objection to the application. The applicant would be advised to follow the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' and approval conditions of restricting the operation hour and maintaining the existing fence to contain activities within the site would be imposed to

address the concerns.

78. Members had no question on the application.

#### Deliberation Session

79. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no workshop activities should be carried out within the application site, as proposed by the applicant, during the planning approval period;
- (c) to maintain the existing 2.5m corrugated sheets fencing on the application site during the planning approval period;
- (d) no medium/heavy goods vehicles exceeding 5.5 tonnes, as proposed by the applicant, were allowed to enter/exit the application site during the planning approval period;
- (e) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (f) in relation to (e) above, the implementation of the 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 21.9.2013;
- (g) the submission of fire service installations proposals and water supplies for fire fighting within 6 months from the date of planning approval to the

satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;

- (h) in relation to (g) above, the implementation of fire service installations proposals and water supplies for fire fighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (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 21.6.2013;
- (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 21.9.2013;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the development on site;
- (b) to note the advice of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submissions of general building plans and his recommendations regarding fire service installations (FSIs) proposals:

- (i) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the site, FSIs would need to be installed; and
  - (ii) if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department (BD), the applicant was required to submit relevant layout plans incorporated with the proposed FSIs for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant was 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 indicated on the layout plans;
- (c) to note the comments of the Director of Buildings that:
- (i) there was no record of approval by the Building Authority for the structures at the application site and BD was not in a position to offer comments on their suitability for the use related to the application; and
  - (ii) the applicant's attention was drawn to the following:
    - a. if the existing structures on leased land without approval of BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application;
    - b. for unauthorized building works (UBW) erected on leased land, enforcement action might 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 application under BO;

- c. before any new building works (including movable container as office) were to be carried out on the application site, the prior approval and consent from BD should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; and
  - d. if the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Building (Planning) Regulation 19(3) at the building plan submission stage;
- (d) to note the comments of the Commissioner for Transport that the vehicular access road connecting Castle Peak Road and the application site was not managed by Transport Department. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly; and
- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites' in order to minimize the potential impacts on the adjacent area.

**Agenda Item 18**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-KTS/331      Temporary Open Storage of Building Materials, Construction Equipment and Machinery for a Period of 3 Years in “Green Belt” zone, Lots 1641 S.I (Part) and 1641 S.J (Part) and Adjoining Government Land in D.D. 100, Ying Pun, Kwu Tung South  
(RNTPC Paper No. A/NE-KTS/331)

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**Presentation and Question Session**

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

- (a)    background to the application;
- (b)    the temporary open storage of building materials, construction equipment and machinery for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper and were highlighted below:
  - (i)    the Commissioner for Transport (C for T) advised that the proposed vehicular access to the application site was via a village track connecting with Fan Kam Road and there was no information about the vehicular access arrangement such as estimated average daily vehicular trip to/from the site and parking/loading/unloading/manoeuvring arrangement within the site, etc. In particular, the applicant was advised to demonstrate, preferably with swept path analysis, on a scaled plan to show whether vehicles could pass through Fan Kam Road to the application site and vice versa. In this regard, he could not offer his support to the application at this stage;

- (ii) the Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the application site and along the access road and environmental nuisance was expected. He advised that one non-substantiated noise pollution complaint regarding the application site was received in the past 3 years;
  
  - (iii) the Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the application site fell within an area zoned “Green Belt” (“GB”) where there was a general presumption against development. The site was located adjacent to a stream where a species of conservation concern, Hong Kong Newt (香港瘰螈) (which was an amphibian) was recorded. Given the proximity of the application site to the stream and the potential impacts on the stream (particularly in terms of surface runoff) and the associated fauna species therein, he had reservation on the application from a nature conservation perspective;
  
  - (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. The site was located in an area of rural landscape character dominated by woodland and farmland. The current use of the application site was unauthorized. The open storage use was incompatible with the “GB” zone dominated with woodland and farmland. In addition, when compared with the aerial photos taken in 2008 and 2011, the existing trees and vegetation within the site had been replaced by temporary structures. Apparently, substantial changes and disturbance to the landscape resources and character had taken place. Approval of this application would attract more similar applications encroaching onto the “GB” zone resulting in the general degradation of the “GB” zone. The landscape quality of the “GB” zone would further deteriorate and intactness of the “GB” zone would be undermined;
- (d) during the first three weeks of the statutory publication period, six public

comments in which five of them objected to the application and one indicated no comment on the application were received. The District Officer (North), Home Affairs Department (DO(N), HAD) advised that the incumbent North District Council (NDC) member raised objection to the application. The grounds of objections raised by the commenters and the incumbent NDC were summarised below:

- (i) Fan Kam Road was narrow and busy. The road could not accommodate medium or heavy goods vehicles transporting building materials, construction equipment and machinery;
  - (ii) the village road to the application site was narrow and it was not suitable for usage of heavy vehicles. There was no proper pedestrian walkway and the heavy vehicles would cause danger to pedestrians. The village road leading to 竹仔坑 had been damaged;
  - (iii) the proposed development with frequent travelling of 30-tonne heavy vehicles would cause adverse noise impact;
  - (iv) the subject site fell within “GB” zone and development within “GB” zone would destroy the natural rural environment, as well as the ecological environment;
  - (v) construction materials and equipment contained toxic materials and these toxic materials would flow into nearby rivers. Exhaust fume and carbon dioxide would be generated by large number of vehicles and cause air pollution problem; and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and highlighted below:
- (i) the development was not in line with the planning intention of the “GB” zone and there was a general presumption against development within

this zone. In this regard, DAFC and CTP/UD&L, PlanD had adverse comments on the application as the proposed development was incompatible with the “GB” zone dominated with woodland and farmland. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;

- (ii) the application site fell within Category 4 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E). There was no exceptional circumstance to justify the development as there was no previous planning approval granted to the application site; no technical assessment/proposals had been submitted to demonstrate that the proposed uses would not generate adverse environmental, traffic, landscape and ecological impacts on the surrounding area; and there were adverse departmental comments and local objections against the application;
- (iii) the proposed development was considered not compatible with the surrounding area which was predominantly rural in nature. In this regard, DEP did not support the application as there were sensitive uses in the vicinity of the site and along the access road. The applicant had failed to demonstrate that the proposed development would not generate adverse environmental impacts on the surrounding area; and
- (iv) there was no similar application within the same “GB” zone in the vicinity of the application site. The approval of the temporary application would set an undesirable precedent for similar applications. The cumulative effect of approving such similar applications would result in adverse environmental, traffic, landscape and ecological impacts on the surrounding area.

82. In response to a Member’s query on the applicant’s claim that he was not aware that the site was zoned “GB” when he purchased the site, the Chairman said that the applicant had the responsibility to check the zoning of the land he purchased.

Deliberation Session

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

- (a) the development was not in line with the planning intention of the “Green Belt” (“GB”) zone in Kwu Tung South area 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 and there was a general presumption against development within this zone. There was no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application did 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 was no exceptional circumstances to justify the development as there was no previous planning approval granted to the application site; no technical assessment/proposals had been submitted to demonstrate that the proposed uses would not generate adverse environmental, traffic, landscape and ecological impacts on the surrounding area; and there were adverse departmental comments and local objections against the application;
- (c) the development was not compatible with the surrounding area which was predominantly rural in nature and characterized by domestic structures, active or fallow agricultural land;
- (d) the applicant had failed to demonstrate that the development would not generate adverse environmental, traffic, landscape and ecological impacts on the surrounding area; and

- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “GB” zone. The cumulative effect of approving such applications would result in adverse environmental, traffic, landscape and ecological impacts on the surrounding area.

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-LYT/494      Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” zone, Lot 1585 S.G in D.D. 76, Kan Tau Tsuen  
(RNTPC Paper No. A/NE-LYT/494)

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#### **Presentation and Question Session**

84.            Ms. Maggie M.Y. Chin, 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 VI of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the application site and its vicinity were of high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member stating that he had no specific comment on the application subject to consultation with

the residents nearby being done. The District Officer/North advised that the Chairman of Fanling District Rural Committee and the indigenous inhabitant representatives (IIR) of Kan Tau Tsuen raised objections to the application on the ground that the application fell outside the village 'environs' ('VE'); and

- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding DAFC's comments on agricultural rehabilitation, it was noted that the application site was currently left vacant and covered by weeds and the proposed Small House development was not incompatible with the surrounding land uses, which were predominantly rural in nature with vacant land and mixed with village houses in the south and southeast. In response to the local objection indicated that the application site fell outside the 'VE', it was noted that the proposed development fell entirely within the 'VE' of Kan Tau Tsuen.

85. Members had no question on the application.

#### Deliberation Session

86. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

87. 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 application site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewage treatment / disposal facilities for the proposed development;
- (b) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) as follows:
  - (i) existing water mains as shown in Plan A-2 of the Paper would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development; and the developer should submit all the relevant proposal to WSD for consideration and agreement before the works commenced; and
  - (ii) the application site was within the flood pumping gathering ground;
- (c) to note the comments of the Director of Electrical and Mechanical Services as follows:

the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. If there was underground cable (and/overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier was necessary;
- (ii) prior to establishing any structure within the application site, the

applicant and / or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure;

- (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (d) to note the comments of the Director of Fire Services as follows:
  - (i) the applicant was reminded to observe the “New Territories Exempted Houses – A Guide to Fire Safety Requirements” issued by the Lands Department (LandsD); and
  - (ii) detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD / formal submission of general building plans.

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/NE-TKL/381      Proposed Temporary Concrete Batching Plant for a Period of 3 Years in “Industrial (Group D)” zone, Lot 811 RP (Part) in D.D. 77 and Adjoining Government Land, Ping Che, Fanling  
(RNTPC Paper No. A/NE-TKL/381C)

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88.            The Secretary reported that on 6.12.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare further information to address comments from Environmental Protection Department and to prepare updated photomontages.

89. 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 further information, and since a total period of six months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-TKL/383      Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 226 S.A and 226 RP in D.D. 79, Ping Yeung Village, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/383)

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#### **Presentation and Question Session**

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper and were highlighted below:
  - (i) the District Lands Officer/North (DLO/N) did not support the application

as the application site fell entirely outside village 'environs' ('VE') of Ping Yeung;

- (ii) the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was categorized as "good" grading agricultural land and had high potential for agricultural rehabilitation. Moreover, according to the aerial photos taken in August 2010, the application site and its vicinity was well vegetated. However, a site inspection conducted in May 2012 revealed that the application site including a watercourse north of the site was being filled with construction materials/asphalt;
- (iii) the Chief Engineer/Mainland North of Drainage Services Department (CE/MN, DSD) had grave reservation on the application. Since there was uncontrolled land filling of existing watercourses on private land in the vicinity of the application site, the site and the area was subject to flooding risk. Besides, the applicant failed to demonstrate that there was an alternative discharge point for drainage of the run-off falling onto and passing through the application site and ensure that the development would not cause adverse drainage impact on the adjacent area;
- (iv) the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the proposed development. The application site was situated in an area of rural landscape character. Approval of the proposed small houses application would further damage the woodland adjoining the site by extending the village area and its landscape quality of the area would deteriorate;
- (d) during the first three weeks of the statutory publication period, two public comments were received, one of which was submitted from a North District Council member who supported the application as it was good for the villagers. The second one was submitted from Kadoorie Farm and Botanic Garden Corporation (KFBG) expressing concern on the application as the site would encroach into a small portion of a stream. If the village

houses were allowed to be built next to the stream, the future residents would request relevant departments to carry out channelization if there was flooding risk. This would bring an irreversible ecological disaster eventually. It also expressed concern on the cumulative sewerage impacts which might be brought by the Small House development. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper and highlighted below:
  - (i) the application site and the footprint of the proposed Small Houses fell entirely within the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention;
  - (ii) the proposed development did not comply with the interim criteria for Consideration of Application for NTEH/Small House in the New Territories in that both the application site and the footprint of proposed Small Houses entirely fell outside the “V” zone and the ‘VE’ of Ping Yeung Village. The DLO/N did not support the application in this regard;
  - (iii) part of the application site was located at the existing watercourses which had been filled with materials and blocked. As advised by CE/MN, DSD, the existing watercourse was essential to the drainage of the areas in the vicinity. The blockage of the existing watercourse would pose flooding risk to the areas in the vicinity in the event of heavy rainstorm. The applicants had not demonstrated that an alternative discharge point was available for drainage of the run-off falling onto and passing through the applicant site, and to ensure that the development would not cause adverse drainage impact to the adjacent area; and

(iv) the site was originally well vegetated in 2010 as noted from the aerial photo but the vegetation had been removed and the site was paved with construction materials/asphalt in 2012. Since the site was located in woodland which provided green buffer to the adjacent village, CTP/UD&L, PlanD had reservation on the application as approval of this application would encourage further damage of the woodland.

91. Members had no question on the application.

### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention;
- (b) 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 application site and the proposed houses were entirely outside both the village ‘environs’ and the “Village Type Development” zone of recognised villages; and
- (c) the approval of the application would cause adverse landscape and drainage impacts on the surrounding areas.

**Agenda Items 22 to 25**

**Section 16 Applications**

[Open Meeting]

A/NE-TKL/408 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 716 S.A in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/408 to 411)

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A/NE-TKL/409 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 716 S.B in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/408 to 411)

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A/NE-TKL/410 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 716 S.C in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/408 to 411)

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A/NE-TKL/411 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 716 S.D in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/408 to 411)

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

94. The Secretary reported that on 7.12.2012, the applicants’ representative requested for a deferment of the consideration of the applications for two months in order to allow time for the applicants to rectify the land boundary plan to address Lands Department’s comments.

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

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

### **Agenda Items 26 to 28**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Session Only)]

A/NE-TKL/414 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 709 S.J in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/414)

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A/NE-TKL/415 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 709 S.K in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/415)

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A/NE-TKL/416 Proposed House (New Territories Exempted House – Small House)  
in “Agriculture” zone, Lot 709 S.L in D.D. 82, Lei Uk Tsuen,  
Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/416)

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96. The Committee noted that these three applications were similar in nature and the application sites were adjacent to each other and within the same zone. The Committee agreed that these applications should be considered together.

#### **Presentation and Question Session**

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

- (a) background to the applications;

- (b) the proposed house (New Territories Exempted House – Small House) at each of the application sites;
  
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Papers. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the applications as active farming activities were found at the application sites and their vicinity. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the applications. There were existing trees within the sites. The sites were surrounded by farmland to the north, east, and south, river to the west, village houses to the further east, vegetated “Green Belt” zones to the further southeast. Approval of the proposed Small House applications might set an undesirable precedent of spreading village development outside the “Village Type Development” (“V”) zone and the existing trees within the sites would be affected by the proposed Small Houses. Other concerned government departments had no objection to or adverse comment on the applications;
  
- (d) during the first three weeks of the statutory publication period, two public comments were received for each application. One comment was submitted by a North District Council member who supported the applications as they were good for the villagers. The second comment was submitted by Kadoorie Farm and Botanic Garden Corporation (KFBG) expressing concern on the applications as they were not in line with the planning intention of “Agriculture” (“AGR”) zone. If the applications were approved, there would be numerous similar applications targeting the area in “AGR” zone. The Board should consider the potential cumulative impact that caused by approving the applications. The District Officer/North advised that Resident Representative (RR) of Lei Uk and the Indigenous Inhabitant Representative (IIR) of Lei Uk supported the applications; and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the three applications for reasons as detailed in paragraph 11 of the Papers. The application sites were located in a green area further away from the village proper of Lei Uk and were part and partial of a larger agricultural land under active cultivation. Furthermore, the proposed Small House developments were not entirely in line with Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that it would frustrate the planning intention of the “AGR” zone. As there were still 2.2 ha of land (about 87 Small House sites) within the “V” zone of Lei Uk for Small House development, it was considered more appropriate to concentrate those proposed Small Houses close to the existing village cluster within the “V” zone for orderly development pattern, efficient use of land and provision of infrastructures and services. Besides, the proposed developments which fell within “AGR” zone were not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The sites were under active cultivation and surrounded by agriculture land. In this regard, DAFC did not support the applications. There was no strong justification to merit a departure from the planning intention.

98. Members had no question on the applications.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Agriculture” zone which was primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to

retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There was no strong planning justification in the current submission for a departure from the planning intention; and

- (b) land was still available within the “Village Type Development” zone of Lei Uk Village where land was primarily intended for Small House development. It was considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting]

A/NE-TKL/417      Temporary Warehouse (for Storage of Tools and Machinery Related to the Engineering Works of Overhead Cables) and Dog Kennel for a Period of 3 Years in “Open Storage” zone and area shown as “Road” Lots 2197 S.A (Part) and 2195 RP (Part) in D.D. 76 and Adjoining Government Land, Kwan Tei North Village, Fanling  
(RNTPC Paper No. A/NE-TKL/417)

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100.      The Secretary reported that on 7.12.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address Transport Department’s comments on transport aspect.

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 submission of further information, and no further deferment would be

granted unless under very special circumstances.

**Agenda Item 30**

**Section 16 Application**

[Open Meeting]

A/NE-WKS/2                      Proposed 8 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” and “Green Belt” zones, Government Land in D.D. 79 near Wo Keng Shan Road  
(RNTPC Paper No. A/NE-WKS/2)

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102.            The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with the Civil Engineering and Development Department (CEDD), the applicant of the application, and AECOM, the consultant of CEDD. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting. Mr. Ivan Fu had also declared an interest in this item as he had current business dealings with AECOM, the consultant of the applicant. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting for the item.

103.            The Secretary reported that on 20.12.2012, the applicant requested for a deferment of the consideration of the application for two weeks for the applicant’s consultants to collect further information to address departmental comments.

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

[The Chairman thanked Ms. Maggie Chin, STP/STN, for her attendance to answer Members’ enquiries. Ms. Chin left the meeting at this point.]

**Agenda Item 31**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-LT/465            Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” and “Village Type Development” zones, Lots 604 S.A  
and 605 S.A in D.D. 8, Ma Po Mei, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/465)

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**Presentation and Question Session**

105.            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 as there were agricultural activities in the vicinity and the site itself had high potential for rehabilitation for agricultural activities. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments including seven objections from villagers of Ma Po Mei Village and one from the Designing Hong Kong Limited were received. The seven villagers of Ma Po Mei objected to the application on grounds that the proposed development would have adverse impacts on sewerage, security, environment and ‘fung shui’. The Designing Hong Kong Limited objected to the application mainly because the site was located

partly within the “Agriculture” (“AGR”) zone and there was a lack of a sustainable village layout plan and parking spaces in the area. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comments, relevant government departments including the Director of Environmental Protection and Chief Engineer/ Mainland North, Drainage Services Department consulted had no adverse comment on the application. As more than 50% of the footprint of the proposed Small House was within the “Village Type Development” (“V”) zone and the site was entirely within village ‘environs’ of Ma Po Mei and there was a general shortage of land within the “V” zone to meet Small House demand, favourable consideration could be given to the application. Regarding the ‘fung shui’ issue, it was not a planning consideration within the purview of the Committee.

106. Members had no question on the application.

#### Deliberation Session

107. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

satisfaction of the Director of Water Supplies or of the TPB; and

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

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

- (a) the foul water drainage system of the proposed New Territories Exempted House (NTEH)/Small House should be connected to the planned public sewerage system in the area and the applicant should connect the whole of the foul water drainage system to the planned public sewerage system upon its completion;
- (b) the applicant should submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes were proposed to pass to demonstrate that it was both technically and legally feasible to install sewerage pipes from the proposed NTEH/Small House to the planned sewerage system via the relevant private lots;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that:
  - (i) septic tank and soakaway pit system might be permitted to be used as an interim measure for foul effluent disposal before public sewers were available subject to the approval of the Director of Environmental Protection (DEP). Any such permitted septic tank and soakaway pit system should be designed and maintained in accordance with the Environmental Protection Department's ProPECC Practice Note No. 5/93. The septic tank and soakaway pit system should be located at a distance of not less than 30m from any water course and should be properly maintained and desludged at a regular frequency. All sludge thus generated should be carried away and disposed of outside the water gathering grounds;

- (ii) the proposed septic tank should be within the application site and within the “Village Type Development” (“V”) zone; and
  - (iii) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards;
- (d) to note the comments of the DEP that the proposed house should be connected to the future public sewer when available; the sewerage connection point(s) should be within the application site and within the “V” zone; adequate land should be reserved for the future sewer connection work; and legal consent for access right to construct and maintain the sewer connection system should be acquired from the owner(s) of the adjacent private lot, if necessary;
- (e) to note the comments of the Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
- (i) public stormwater drain was not available for connection in the vicinity of the subject lot. 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 was required to rectify the drainage system if it was found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system;
  - (ii) the village sewerage works in Ma Po Mei would be carried out under the project 4332DS, ‘Lam Tsuen Valley Sewerage’. The village

sewerage works near the site were scheduled to be started in 2012/2013, for completion in 2016/2017 tentatively subject to the land acquisition progress; and

- (iii) the proposed Small House was partly outside the “V” zone where no existing public sewerage system connection was available. Public sewers would be laid to the locations near to the proposed development under DSD’s current project scheme. However, the above information was preliminary and would be subject to revision due to actual site situation;
- (f) to note the comments of the Director of Fire Services that the applicant was reminded to observe the ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements would be formulated upon receipt of formal application referred by LandsD;
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submissions to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department (BD) in accordance with the provisions of the Buildings Ordinance;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the following measures:
  - (i) for application site within the preferred working corridor of high

voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier was necessary;

- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures;
  - (iii) the 'Code of Practice on Working near Electricity Supply Lines' established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (i) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access road from Lam Kam Road to the site was not maintained by HyD; and
  - (j) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

**Agenda Item 32**

**Section 16 Application**

[Open Meeting]

A/NE-LT/466                      Proposed House (New Territories Exempted House – Small House) in  
“Agriculture” zone, Lot 653 S.B in D.D. 8, Ma Po Mei,  
Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/466)

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109.            The Secretary reported that on 6.12.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information on sewerage connection.

110.            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 further information, and no further deferment would be granted unless under very special circumstances.

**Agenda Item 33**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-TK/419                      Proposed House (New Territories Exempted House – Small House) in  
“Green Belt” zone, Lot 598 S.A in D.D. 28 and Adjoining Government  
Land, Tai Mei Tuk, Tai Po  
(RNTPC Paper No. A/NE-TK/419)

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**Presentation and Question Session**

111.            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, Planning Department (CTP/UD&L, PlanD) had reservation on the application. The application site was located not far from the edge of the existing dense woodland of high landscape value and there was no information on the scope of site formation required for the construction of the proposed Small House. If this application was approved, similar applications would be attracted in the area and the cumulative effects of these developments would result in urban sprawl and further degradation of landscape quality. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, three public comments submitted by the Designing Hong Kong Limited, WWF Hong Kong and Kadoorie Farm and Botanic Garden Corporation objecting to the application were received. Their views were summarised below:
  - (i) the proposed development was not in line with the planning intention of “GB” zone and did not comply with the TPB PG-No. 10;
  - (ii) the area lacked a plan for a sustainable layout of infrastructure and development;
  - (iii) the site was adjacent to the edge of woodland which was ecologically linked to Pat Sin Leng Country Park. The proposed Small House would cause adverse effects on the woodland and negative ecological impacts on the area. The surface runoff from site formation works and the overflow of domestic sewage from septic tank would incur pollution to the ponds which were adjacent to the site;

- (iv) the approval of the application would set an undesirable precedent for future applications resulting in cumulative impacts which would degrade the ecological value and function of the “GB” zone; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. The site was located at the fringe of an existing village and village houses could be found on the south and west of the site. Regarding CTP/UD&L of PlanD’s landscape concern, it could be addressed by imposition of landscape condition. Regarding the public comments on the potential adverse impacts on the adjacent woodland and ponds, concerned government departments consulted, including the Director of Environmental Protection and Director of Agriculture, Fisheries and Conservation had no adverse comment on the application. There were similar applications located in close proximity to the site, which were approved by the Committee in 2004/2009. The concerns of the commenters could be addressed through imposition of relevant approval condition on landscape proposal.

112. Members had no question on the application.

#### Deliberation Session

113. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

of the Director of Drainage Services or of the TPB.

114. 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 there was no existing public drain available for connection in this area. The applicant/owner was required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant/owner should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was existing public sewerage available for connection in the vicinity of the site;
- (b) to note the comments of the Director of Environmental Protection that there was planned public sewer located approximately 15m away from the proposed house. The applicant was advised to connect the sewer of the proposed development to the public sewer at his own cost when it was available;
- (c) to note the comments of the Director of Fire Services that the applicant was reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by the Lands Department (LandsD). Detailed fire safety requirements would be formulated during land grant stage;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was reminded to make necessary submission to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP No. APP-56. If such exemption was not granted, the applicant should submit a site formation plan to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (e) to note that the permission was only given to the development under

application. If provision of an access road was required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

### **Agenda Item 34**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-TK/420            Proposed 2 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 608 S.A and S.C in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/420)

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#### **Presentation and Question Session**

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 two houses (New Territories Exempted Houses – Small Houses);
- (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 as the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. In view of the high landscape quality in the surrounding area, the site was sensitive to urban development. The approval of the application was likely to encourage more village house

developments in the “Agriculture” (“AGR”) zone resulting in an extension of the village landscape character well beyond the existing “Village Type Development” (“V”) zone boundary and irreversibly altering the landscape character of the “AGR” zone. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments against the application were received and were summarised below:
  - (i) two comments submitted by WWF Hong Kong and Kadoorie Farm and Botanic Garden Corporation were against the application for reasons that the proposed development was not in line with the planning intention of “AGR” zone; as the site was located within the water gathering ground (WGG), any polluted surface runoff from the proposed development would cause adverse impact on the water quality in the area and site formation was found on the site and its surrounding areas in 2010. A “destroy first, build later” approach was adopted in the hope of getting approval for the application; and the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone;
  - (ii) the comment, submitted by the Designing Hong Kong Limited objected to the application for reasons of being not in line with the planning intention of “AGR” zone; and lacking of a plan for a sustainable layout of infrastructure and development for the area;
  - (iii) the comment submitted by the IIR of Shan Liu indicating reservation on the application on fung shui ground and it was the tradition of the village that no development should be permitted within the 50m frontage of Tsz Tong; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the DAFC and the CTP/UD&L of PlanD’s comments,

given that the proposed Small Houses were located entirely within the 'VE', there was a shortage of land to meet Small House demand, the proposed Small Houses could be connected to the public sewerage system and there were similar approved applications in the vicinity of the site, the proposed development complied with the Interim Criteria. Sympathetic consideration could be given to the application. Their concerns could be addressed through imposition of approval condition on landscape proposal. As regarding the public comments on the potential adverse impacts on the subject "AGR" zone, the concerns of the commenter could be addressed through imposition of approval conditions to minimize the potential adverse impacts on the surrounding area. Regarding the public comment on site formation works in the village, the site was not the subject of any enforcement cases. As for the fung shui issue raised by the IIR, it was not a valid planning ground considered by the Board.

116. Members had no question on the application.

#### Deliberation Session

117. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

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

- (a) construction of the proposed Small Houses should not be commenced before the completion of the public sewerage system. Upon completion of the trunk sewers, the applicants should connect their houses to the public sewer at their own costs. Adequate land should be reserved for the future sewer connection work;
- (b) the applicants were required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolved all necessary government land issues with the Lands Department (LandsD) in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed houses to the planned sewerage system via the concerned private lot(s) and government land;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicants were required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants might need to extend their inside services to

the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

- (e) to note the comments of the Director of Fire Services that the applicants were reminded to observe the 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements would be formulated during land grant stage;
- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were reminded to make necessary submission to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

**Agenda Item 35**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/NE-TK/421 Proposed 7 Houses (New Territories Exempted Houses – Small Houses) in “Agriculture” zone, Lots 644 S.G, S.H, S.I, S.J, S.K RP, S.L ss.1, S.M and 654 S.M, S.N, S.O, S.W ss.1 and ss.2 in D.D. 15, Shan Liu, Tai Po  
(RNTPC Paper No. A/NE-TK/421)

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**Presentation and Question Session**

119. 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 seven houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application. In view of the high landscape quality in the surrounding area, the site was sensitive to urban development. The approval of the application was likely to encourage more village house developments in the “Agriculture” (“AGR”) zone resulting in an extension of the village landscape character well beyond the existing “Village Type Development” (“V”) zone boundary and irreversibly altering the landscape character of the “AGR” zone. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments against the application were received and were summarised below:
- (i) two comments submitted by WWF Hong Kong and Kadoorie Farm and Botanic Garden Corporation were against the application for reasons that the proposed development was not in line with the planning intention of “AGR” zone; as the site was located within the water gathering ground (WGG), any polluted surface runoff from the proposed development would cause adverse impact on the water quality in the area; and site formation was found on the site and its surrounding areas in 2010. A “destroy first, build later” approach was adopted in the hope of getting approval for the application; and the approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone;
  - (ii) the comment submitted by the Designing Hong Kong Limited objected to the application for reasons of being not in line with the planning intention of “AGR” zone; and lacking of a plan for a sustainable layout of infrastructure and development for the area; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 12 of the Paper. Regarding the DAFC and the CTP/UD&L of PlanD’s comments, given that the proposed Small Houses were located entirely within the village ‘environs’, there was a shortage of land to meet Small House demand, the proposed Small Houses could be connected to the public sewerage system and there were similar approved applications in the vicinity of the site, the proposed development complied with the Interim Criteria. Sympathetic consideration could be given to the application. Their concerns could be addressed through imposition of approval condition on landscape proposal. As regarding the public comments on the potential adverse impacts on the subject “AGR” zone, the concerns of the commenter could be addressed through imposition of approval

conditions to minimize the potential adverse impacts on the surrounding area. Regarding the public comment on site formation works in the village, the site was not the subject of any enforcement cases.

120. Members had no question on the application.

#### Deliberation Session

121. In response to a Member's enquiry, the Secretary advised that the review of the boundary of the "Village Type Development" zone was undertaken by the Planning Department.

122. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- (a) construction of the proposed Small Houses should not be commenced

before the completion of the public sewerage system. Upon completion of the trunk sewers, the applicants should connect their houses to the public sewer at their own costs. Adequate land should be reserved for the future sewer connection work;

- (b) the applicants were required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary government land (GL) issues with the Lands Department (LandsD) in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed houses to the planned sewerage system via the concerned private lot(s) and government land;
- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there was no public drain in the vicinity of the site. The applicants were required to maintain the drainage systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicants should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicants might need to extend their inside services to the nearest suitable government water mains for connection. The applicants should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (e) to note the comments of the Director of Fire Services that the applicants

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

- (f) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicants were reminded to make necessary submission to the LandsD to verify if the site satisfied the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemptions were not granted, the applicants should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and
- (g) to note that the permission was only given to the development under application. If provision of an access road was required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complied with the provisions of the relevant statutory plan and obtained planning permission from the TPB where required before carrying out the road works.

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/ST/799                      Temporary Shop and Services (Fast Food Shop) for a Period of 3 Years  
in “Industrial” zone, Portion B of Workshop B1, LG/F, Valiant  
Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/799)

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124.            The Secretary reported that Mr. Ivan Fu and Ms. Janice Lai had declared interests in this item as they had current business dealings with Sun Hung Kai Architects and Engineers Limited, the consultant of the application. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting. As Mr. Fu did not have direct involvement in the subject application, Members agreed that Mr. Fu could stay in the meeting

for the item.

### Presentation and Question Session

125. 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 temporary shop and services (fast food shop) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments 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 from the Incorporated Owners of Unison Industrial Centre. The commenter supported the application as no adverse impact on the adjacent buildings was expected and the owners and tenants of the adjacent buildings could have one more choice. 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 as detailed in paragraph 11 of the Paper. The public comment in support of the application was noted.

126. Members had no question on the application.

### Deliberation Session

127. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing, Buildings Department (BD) that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises should not be adversely affected. Building safety requirements would be formulated upon receipt of food premises licence application, where appropriate;
- (d) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans, and the proposed “fast food shop” should be licensed as “food factory” or “factory canteen”. Regarding matters related to fire resisting construction of the subject premises, the applicant should comply with the ‘Code of Practice for Fire Resisting Construction’ which was administered by the BD; and

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

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/ST/800                      Shop and Services (Convenient Store) in “Industrial” zone, Portion of  
Workshop I, G/F, Universal Industrial Centre, Nos. 19-25 Shan Mei  
Street, Fo Tan, Sha Tin  
  
(RNTPC Paper No. A/ST/800)

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#### **Presentation and Question Session**

129.            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 (convenient store);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the 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 as detailed in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

130. Members had no question on the application.

#### Deliberation Session

131. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013; and
- (b) if the above planning condition (a) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of 3 years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;

- (c) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises should not be adversely affected;
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available; and
- (f) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.

**Agenda Item 38**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/ST/801                      Proposed Shop and Services (Retail Shop) in “Industrial” zone, Unit F2  
(Part), G/F, On Wah Industrial Building, 41-43 Au Pui Wan Street,  
Fo Tan  
(RNTPC Paper No. A/ST/801)

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**Presentation and Question Session**

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

- (a) background to the application;
- (b) the proposed shop and services (retail shop);
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the 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 as detailed in paragraph 11 of the Paper. A temporary approval of three years was recommended in order not to jeopardise the long term planning intention of industrial use for the subject premises and to allow the Committee to monitor the supply and demand of industrial floor space in the area.

134. Members had no question on the application.

#### Deliberation Session

135. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the submission of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;

- (b) the implementation of the fire safety measures within 9 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013; and
- (c) if any of the above planning conditions (a) or (b) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of 3 years was given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises would not be jeopardized;
- (b) should the applicant fail to comply with the approval condition resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. For instance, the shop should be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining workshop should not be adversely affected;
- (e) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans and a means of escape completely

separated from the industrial portion should be available for the area under application; and

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

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

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

[Mr. Vincent T.K. Lai, Mr. K.C. Kan, Mr. Edmond S.P. Chiu 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 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL/191                      Proposed Flat in “Residential (Group E)1” zone, No. 21 Wang Yip  
Street West, Yuen Long (Yuen Long Town Lot 461)  
(RNTPC Paper No. A/YL/191)

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137.            The Secretary reported that Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Ove Arup & Partners Hong Kong Limited, Environ Hong Kong Limited and MVA Hong Kong Limited, the consultants of the application. As Mr. Fu did not have direct involvement in the subject application, Members agreed that Mr. Fu could stay in the meeting for the item.

### Presentation and Question Session

138. 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 flat;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) during the first three weeks of the statutory publication period, eight public comments from the nearby residents and members of public were received. All of them supported the application mainly on the grounds that there was good transport network for residential development at the site. The proposed development would help speeding up the transformation process in Tung Tau since the industrial activities had already been shifted to the Mainland. Besides, it would improve the living environment in the area and increase the flat supply which in turn would lower the property price. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. The public comments in support the application were noted.

139. Members had no question on the application.

### Deliberation Session

140. 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 21.12.2016, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- (a) no occupation of the proposed residential development prior to the relocation of the temporary bus depot together with the associated facilities (including overnight on street parking spaces) at the junction of Wang Yip Street West and Hong Yip Street, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (b) the design and provision of environmental mitigation measures, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (c) the disclosure of the environmental mitigation measures, as proposed by the applicant, to future owners through brochures and/or exhibition of Noise Impact Assessment report in the sales office and recorded in the Deed of Mutual Covenant, as proposed by the applicant, to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission and implementation of a landscape master plan and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB;
- (e) the provision of emergency vehicular access (EVA), water supplies for fire-fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (f) the submission of a Drainage Impact Assessment (DIA) including flood relief mitigation measures to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the implementation of the drainage proposals and other necessary flood relief mitigation measures identified in the DIA to the satisfaction of the

Director of Drainage Services or of the TPB; and

- (h) the design and provision of vehicular access arrangement, car parking and loading/unloading facilities for the proposed development to the satisfaction of the Commissioner for Transport or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio (PR) and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the BA and major changes to the current scheme were required, a fresh planning application to the TPB might be required;
- (b) to note the comments of the District Lands Officer/Yuen Long that the proposed use and GFA, inter alia, were in breach of the lease conditions. The applicant was required to apply to his office for a lease modification (or a land exchange) for implementing the proposed development. However, there was no guarantee that the lease modification application would be provided. Such application, if approved, would be subject to such terms and conditions including, among others, the payment of premium and administrative fee, as might be imposed;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, BD that the provision of emergency vehicular access (EVA) to all buildings should be erected on the site as required under Building (Planning) Regulation (B(P)R) 41D. Maximum site coverage of domestic and non-domestic portion of the development should comply with B(P)R 20. Recreational facilities were GFA accountable under the Buildings Ordinance unless exempted. Quality and sustainable built environment

requirements under PNAP APP-151 and 152 were applicable to this site. Private car parking spaces in excess of the standards set out in the Hong Kong Planning Standards and Guidelines might be GFA accountable. Detailed comments would be provided at the formal building plan submission stage; and

- (d) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Departments that the site fell within Scheduled Area No. 2 where the site might be underlain by cavernous marble. Extensive geotechnical investigation would be required. Experienced geotechnical engineers should be involved both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site.

#### **Agenda Item 40**

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

[Open Meeting (Presentation and Question Session Only)]

A/YL-PS/401            Proposed Dangerous Goods Godown (Cat. 5 Dangerous Goods) in  
“Industrial (Group D)” zone, Lots 856 RP, 857 RP, 858 RP, 859 RP  
and 860 RP in D.D. 124 and Lots 238, 239 and 367 in D.D. 127, Hung  
Tin Road, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/401)

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##### **Presentation and Question Session**

142.            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 dangerous goods godown (Cat. 5 dangerous goods);

- (c) departmental comments – concerned government departments had no objection to or adverse comments 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 from the Village Representative (VR) of Hung Uk Tsuen was received. The commenter after consulting the villagers objected to the application on the grounds that the proposed development would affect the fung shui of the village; the heavy goods vehicles would generate safety issues, damage road structure and cause drainage and traffic problems; and the dangerous goods would also generate potential hazards to the nearby residents. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application on a temporary basis for a period of five years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comment, concerned government departments consulted had no objection to the application and approval conditions on environmental mitigation measures and fire service installations proposals were recommended to minimise any potential environmental impact and fire risk. Besides, given the potential fire risks and environmental concerns of the use and there was local objection to the application, it was considered appropriate that the compliance with the conditions and situation on-site should be monitored. As such, the approval on a temporary basis of five years and a shorter compliance period were recommended to monitor the compliance of the approval conditions and the situation on-site.

143. Members had no question on the application.

#### Deliberation Session

144. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 21.12.2017, on the terms of the application as

submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no open storage of dangerous goods were allowed on the site at any times during the approval period;
- (b) the provision of a 100mm thick concrete box to enclose the underground tanks at all times during the approval period, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 21.6.2013;
- (c) the provision of a 100mm bund wall around the distribution area of 4mx4m above each of underground tank with a peripheral channel at all times during the approval period, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 21.6.2013;
- (d) the provision of an underground sump tank equipped with an oil/grease trap at all times during the approval period, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Environmental Protection or of the TPB by 21.6.2013;
- (e) the submission of the design of emergency vehicular access, water supplies for fire-fighting and 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 21.3.2013;
- (f) in relation to (e) above, the implementation of emergency vehicular access, 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 21.6.2013;
- (g) no dangerous goods were allowed to be stored on the site prior to compliance of the conditions (b), (c), (d), (e) and (f) above;

- (h) the submission of a landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (i) in relation to (h) above, the implementation of the landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2013;
- (j) the submission a drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (k) in relation to (j) above, provision of drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (l) the provision of peripheral fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (m) if any of the above planning conditions (a) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (n) if any of the above planning conditions (b), (c), (d), (e), (f), (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) a temporary approval of five years and shorter compliance period were given to monitor the compliance of the approval conditions and the

situation on-site. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;

- (b) to note the comments of the District Lands Officer/Yuen Long that the land under application comprised one New Grant Lot (Lot No. 367 in D.D. 127) held under New Grant No. 1220 for private residential purposes only and seven Old Scheduled Agricultural Lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without prior approval from Lands Department (LandsD). No approval was given for the proposed specified structures as underground storage tanks (Cat. 5 dangerous goods) and the loading/unloading platform with cover. Access of the application site required traversing through private lot and/or government land (GL). His office provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would need to apply to LandsD for permission for the proposed dangerous goods godown uses on Lot 367 in D.D. 127 for permission for the proposed structures to be erected on the Old Scheduled Agricultural Lots involved. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. In the event any such application was approved, it would be subject to such terms and conditions, including, among others, the payment of premium or fee, as might be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport that no vehicle was allowed to queue back to public road or reverse onto/from the public road. The vehicular track leading to the subject site from Hung Tin Road fell outside Transport Department (TD)'s purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the application site from Hung Tin Road should be commented and approved by TD. Adequate drainage measures should be provided to prevent surface water running from the application site to the nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Hung Tin Road;
  
- (e) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. The emergency vehicular access provision in the captioned site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulation 41D which was administrated by the Buildings Department (BD). It was noted that the site would involve storage/use of dangerous goods. As such, the applicant/operator of the site should be advised to approach his Dangerous Goods Division for advice on licensing of premises for the proposed use;
  
- (f) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should ensure that the proposed development would not affect the nearby wooded area zoned as “Green Belt” to the east of the site;
  
- (g) to note the comments of the Chief Building Surveyor/New Territories West, BD that there was no record of approval by the Building Authority (BA) for the structures existing at the application site and BD was not in a position to offer comments on their suitability for the use related to the application. The applicant’s attention was drawn to the following points:
  - (i) if the existing structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and

should not be designated for any approved use under the captioned application; and

- (ii) for unauthorized building works (UBW) erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO;

building plans for the proposed two underground tanks were approved on 12.6.2012 and relevant consent to commencement of works was granted on 10.7.2012. No amendment plans had been received thereafter. It was noted that the proposed use of the underground tanks for storage of dangerous goods was subject to the issue of a dangerous goods licence from FSD. The applicant should be reminded that the proposed tanks were required to comply with the building safety and other relevant requirements as might be imposed by the licensing authority;

- (h) to note the comments of the Antiquities and Monuments Office that the applicant should inform his office in case of discovery of antiquities or proposed antiquities in the course of work;
- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within/or in the vicinity of the site, the applicant should carry out the following measures:
  - (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and

Guidelines, prior consultation and arrangement with the electricity supplier was necessary;

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

there was a high pressure underground town gas transmission pipeline running along Hung Tin Road. The project proponent/consultant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines if any excavation works was required during the design and construction stages of the development.

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

**Agenda Item 41**

**Section 16 Application**

[Open Meeting]

A/YL-ST/419                      Temporary Open Storage of Recyclable Materials with Ancillary site Office for a Period of 3 Years in “Residential (Group D)” zone, Lots 149 RP, 150 RP, 151, 152 RP, 153 RP, 154, 155 (Part), 156 S.B RP (Part), 162 RP (Part), 164 RP (Part) and 375 RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/419)

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146.            The Secretary reported that on 29.11.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to respond to the comments from the Director of Fire Services.

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

**Agenda Item 42**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-ST/428                      Temporary Retail of Second-Hand Private Cars for a Period of 3 Years in “Village Type Development” zone, Lots 125 S.C RP (Part), 220 RP (Part), 231 RP (Part) and 306 RP (Part) in D.D. 102 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/428)

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Presentation and Question Session

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

- (a) background to the application;
- (b) the temporary retail of second-hand private cars for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the 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 did not support the application for reasons as detailed in paragraph 12 of the Paper and highlighted below:
  - (i) the planning intention of the “Village Type Development” (“V”) zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. The development under application was akin to an open storage of private cars prior for sale and therefore not in line with the planning intention of the “V” zone. There was no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis;
  - (ii) three previous applications for temporary retail shop of ironmongery/metal-ware were approved by the Committee from 2000 to 2007 as the temporary developments could serve the local needs of the villagers. When approving the last Application No. A/YL-ST/385 for temporary retail of second-hand private cars on 29.1.2010, the

Committee noted that the site fell within the Category 4 areas of the current Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) and advised the applicant that the permission was to allow time for relocation; and

- (iii) the application did not comply with the TPB PG-No. 13E in that the site fell within the Category 4 areas where application for open storage use would normally be rejected. As such, when approving the previous Application No. A/YL-ST/385 on 29.1.2010, the Committee already advised the same applicant that a shorter approval period of 2 years was granted so as to allow time for the applicant to identify suitable site for relocation and that no further renewal of planning permission would be allowed unless under very exceptional circumstances.

149. Members had no question on the application.

#### Deliberation Session

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

- (a) the planning intention of the “Village Type Development” (“V”) zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within this zone was primarily intended for development of Small Houses by indigenous villagers. The development was not in line with the planning intention of the “V” zone. There was no strong planning justification provided in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development did not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 13E) in that the

site fell within Category 4 areas where application for open storage use would normally be rejected. There were no exceptional circumstances that warrant sympathetic circulation of the application; and

- (c) the approval of the application even on a temporary basis would set an undesirable precedent for similar application within the “V” zone. The cumulative effect of approving such application would result in a general degradation of the rural environment of the area.

### **Agenda Item 43**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/TM-LTY Y/245 Proposed Temporary Shop and Services (Convenience Store and Real Estate Agency) for a Period of 3 Years in “Village Type Development” zone, Lot 3794 RP (Part) in D.D. 124 and Adjoining Government Land, Shun Tat Street, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/245)

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#### **Presentation and Question Session**

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

- (a) background to the application;
- (b) the proposed temporary shop and services (convenience store and real estate agency) for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments 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. The commenter did not support the application on the grounds that the buildings on both sides of Shun Tat Street could accommodate such use; the applicant used government land (GL) for private use; the GL should be reserved for amenity or to meet future land requirement. The commenter requested Members to refuse considering the application. 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 three years based on the assessments as detailed in paragraph 11 of the Paper. Regarding the public comment on the use of GL for private interest, the District Lands Officer/Tuen Mun, Lands Department commented that the applicant should confine the proposal within the private lot and that any suitable areas of government land would be offered on short term tenancies by way of tender.

152. Members had no question on the application.

#### Deliberation Session

153. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 10:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the submission of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (c) in relation to (b) above, the implementation of drainage proposal within

9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.9.2013;

- (d) the submission of fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (e) in relation to (d) above, the implementation of fire service installations proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (f) the submission of landscape proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2013;
- (g) in relation to (f) above, the implementation of landscape proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.9.2013;
- (h) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (j) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (LandsD) that the lot under application was an Old Scheduled Agricultural Lot held under the Block Government Lease. The owner of the lot would need to apply to his office for Short Term Waiver (STW) and a Short Term Tenancy (STT) for erection of the proposed structure. The STW and STT proposals would only be considered upon the receipt of formal applications from the owner of the lot. There was no guarantee that the applications, if received by his office, would be approved and he reserved his comment on such. The applications would be considered by the LandsD acting in the capacity as the landlord at its sole discretion. In the event that the applications were approved, they would be subject to such terms and conditions as the Government should deem fit to do so, including charging of waiver fee/rent, deposit and administrative fees. It should be noted that any suitable areas of government land would be offered on short term tenancies by way of tender;
- (b) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works were to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorised building works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BD to effect their removal in accordance with the BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicle access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified

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

- (c) to follow the latest revised Code of Practice on Handling the Environmental Aspects of Temporary Uses and other Open Storage Sites issued by the Director of Environmental Protection (DEP) to minimize potential environmental impacts on the surrounding area;
- (d) to note the comments of the DEP that public sewer was available in the vicinity of the site at Shun Tat Street. The applicant was required to connect all sewerage from the site to the nearby public foul sewer;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that the applicant should be responsible for his own access arrangement. In addition, adequate drainage measures should be provided to prevent surface/waste water from flowing out from the lot onto public roads;
- (f) to note the comments of the Director of Fire Services that the applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirement that, for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly indicated on plans. The applicant should also be advised that: (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Furthermore, should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to the Fire Services Department for consideration;

- (g) to note the comments of the Director of Food and Environmental Hygiene that a food factory licence was required for operating any food business involving food preparation within the premises; and
  
- (h) to note the comments of the Director of Electrical and Mechanical Services that there were 400kV extra high voltage overhead lines running along the northern side of the application site. Due consideration should be given to the requirements of the preferred working corridor of the 400kV overhead lines as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department (i.e. a 50m working corridor should be maintained along the 400kV overhead lines (25m on either side from the centre line of the transmission towers)). Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with CLP Power Hong Kong Limited (CLPP) and, if necessary, ask CLPP to divert the underground cables and/or overhead lines away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant should be warned of possible undue interference to some electronic equipment in the vicinity.

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

**Agenda Item 44**

**Section 16 Application**

[Open Meeting]

A/TM-LTYYY/249 Proposed Comprehensive Development (Flat, House, Village Office and Public Open Space) in “Comprehensive Development Area” and “Green Belt” zones, Lots 837 RP, 839 S.A, 841, 1035 RP, 1037 RP, 2527 S.E and 2527 S.F in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTYYY/249)

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155. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Company Limited (Henderson) with ADI Limited, MVA Hong Kong Limited and Westwood Hong & Associates Limited as consultants. The following Members had declared interests in this item:

Mr. Ivan Fu had bussiness dealing with Henderson, ADI Limited, MVA Hong Kong Limited and Westwood Hong & Associates Limited

Ms. Janice Lai had bussiness dealing with Henderson and ADI Limited

156. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting.

157. The Secretary reported that on 14.12.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to address the comments of government departments.

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 further information, and no further deferment would be granted unless under very special circumstances.

#### **Agenda Item 45**

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

[Open Meeting]

A/YL-NSW/216 Proposed Low-rise Residential Development with Minor Relaxation of Building Height and Plot Ratio Restrictions cum Wetland Restoration Area and Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” and “Residential (Group D)” zones, Lot 3719 S.C (Part) in D.D. 104, Nam Sang Wai, Yuen Long  
(RNTPC Paper No. A/YL-NSW/216A)

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159. The Secretary reported that Mr. Ivan Fu had current business dealing with ADI Limited, Meta 4 Design Forum Limited and Environ Hong Kong Limited, the consultants of the application. Ms. Janice Lai had current business dealing with ADI Limited, the consultant of the application. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting.

160. The Secretary reported that on 7.12.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare responses to address the departmental comments on the application.

161. 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 further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 46**

**Section 16 Application**

[Open Meeting]

A/YL-NTM/274      Proposed Comprehensive Residential Development ('House') with Supporting Commercial Facilities ('Shop and Services' and 'Eating Place') in "Comprehensive Development Area" zone, various lots in D.D. 104, and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/274B)

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162.            The Secretary reported that Ms. Janice Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited, consultant of the application. The Committee noted that Ms. Lai had tendered an apology for being unable to attend the meeting. Mr. Ivan Fu had declared an interest in this item as he had current business dealings with Environ Hong Kong Limited, consultant for the application. As the item was for deferral of the consideration of the application, the Committee agreed that Mr. Fu could stay in the meeting for the item.

163.            The Secretary reported that on 7.12.2012, the applicant's representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to prepare supplementary information to address further departmental comments.

164.            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 further information, and since a total period of six months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 47**

**Section 16 Application**

[Open Meeting]

A/YL-HT/808                      Temporary Logistics Centre and Ancillary Tyre Repair Workshop for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3305 RP (Part), 3306 (Part), 3307 RP, 3310 S.A RP (Part), 3310 S.B (Part), 3311 RP, 3312 S.A (Part), 3312 S.B, 3313 (Part) and 3314 (Part) in D.D. 129, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/808A)

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165.            The Secretary reported that on 4.12.2012, the applicant requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to revise relevant drawings in response to the comments of Chief Town Planner/Urban Design and Landscape, Planning Department, Fire Services Department and Highways Department.

166.            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 further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 48**

Section 16 Application

[Open Meeting]

A/YL-HT/810                      Temporary Open Storage of Containers and Cargo Handling for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 2187 RP (Part), 2380 RP (Part), 2381 RP (Part), 2382 (Part), 2383 RP (Part), 2384 S.B (Part), 2385 RP (Part), 2412 RP (Part), 2415 RP, 2416 (Part), 2417, 2418 RP (Part) and 2419 RP (Part) in D.D. 129 and Adjoining Government Land in Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-HT/810A)

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167.            The Secretary reported that on 5.12.2012, the applicant’s representative requested for a deferment of the consideration of the application for two months in order to allow time for the applicant to replant trees and prepare further information in response to the comments of Chief Town Planner/Urban Design and Landscape, Planning Department and Highways Department.

168.            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 further information, and since a total period of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 49**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-HT/826            Temporary Open Storage of Containers with Ancillary Logistics Uses, Vehicle Repair Workshop, Container Repair Workshop and Parking of Tractors for a Period of 3 Years in “Comprehensive Development Area” and “Green Belt” zones, Lots 112 (Part), 113 (Part), 133 (Part), 134 (Part), 135 (Part), 136 (Part), 137 (Part), 165 (Part), 166, 167 (Part), 168 (Part), 169 (Part), 181 (Part), 256 (Part), 257 (Part), 258 (Part), 259 (Part), 260 S.A (Part), 260 S.B (Part), 261 (Part), 262, 263, 264, 265 (Part), 266, 267 (Part), 268 (Part), 270 (Part), 271, 272 (Part), 273, 274, 275 (Part), 277 (Part), 278 (Part), 279 (Part) and 281 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/826)

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**Presentation and Question Session**

169.            Mr. Edmond S.P. Chiu, 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 with ancillary logistics uses, vehicle repair workshop, container repair workshop and parking of tractors for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses in the vicinity of the site (the closest one being about 35 m away) and environmental nuisance was expected. The site was subject to two substantiated complaints on noise against the site from 2010 to September 2012. One of the complaints received in 2010 was about 24 hour machine

noise generated everyday from the container storage site. His investigation found that the noise was generated from reefer containers stored closed to the complainant. Mitigation measures had been implemented upon EPD's request and the complainant felt satisfaction. The other complaint, also received in 2010, was about chiller noise which was understood as a one-off event while the cause was unknown. No legal actions were taken for both complaints. Other concerned government departments had no objection to or 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 (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP's comments, the noise nuisance of one of the complaints was mitigated by measures requested by DEP while the other one was a one-off event. There had been no environmental complaint received since 2011. In addition, no local objection was received against the application during the statutory publication period. To address DEP's concern, approval conditions on restrictions on operation hours and stacking of containers had been recommended.

170. Members had no question on the application.

#### Deliberation Session

171. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night time operation between 8:00 p.m. and 8:00 a.m., as proposed by

- the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
  - (c) the stacking height of containers stored within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
  - (d) the stacking height of containers stored on the site should not exceed 8 units, as proposed by the applicant, during the planning approval period;
  - (e) no material was allowed to be stored/dumped within 1m of any tree on the site during the planning approval period;
  - (f) no vehicle queuing was allowed back to public road or no vehicle reversing into/from the public road was allowed at all times during the planning approval period;
  - (g) the existing drainage facilities implemented on the site should be maintained at all times during the planning approval period;
  - (h) the implementation of the drainage facilities proposed within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
  - (i) 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 21.6.2013;
  - (j) in relation to (i) 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 21.9.2013;

- (k) 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 1.2.2013;
- (l) 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 21.6.2013;
- (m) in relation to (l) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (n) 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 21.6.2013;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (h), (i), (j), (k), (l), (m) or (n) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

172. 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 site should be kept in a clean and tidy condition at all times;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site was situated on Old Scheduled Agricultural Lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval from LandsD. The applicant should apply to him to permit any additional/excessive structures to be erected or regularize any irregularities on-site and for occupation of additional government land (GL) involved. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If the application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not provide maintenance works for the GL involved and guarantee right-of-way;
- (d) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces should be provided within the site. The land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;

- (g) to note the comments of the Director of Fire Services that relevant layout plans incorporated with the proposed fire service installations (FSIs) to him for approval should be submitted. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs were to be installed should be clearly marked on the layout plans. The applicant should submit a valid fire certificate (FS251) to him for approval; and
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures were erected on leased land without approval of the BD, they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) were to be carried out on the application site, the prior approval and consent of the BD should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For the UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Detailed comments on the proposal, including the provision of an emergency vehicular access under B(P)R 41D, would be made at the formal building plan submission stage.

[The Chairman thanked Mr. Edmund Chiu, STP/TMYL, for his attendance to answer Members'

enquiries. Mr. Chiu left the meeting at this point.]

### **Agenda Item 50**

#### **Section 16 Application**

[Open Meeting]

A/YL-HT/828 Proposed Temporary Place of Recreation, Sports or Culture (Fishing Ground) and Ancillary Refreshment Kiosk for a Period of 3 Years in “Coastal Protection Area” zone, Lots 215 S.A (Part), 219 S.A ss.1 (Part), 219 S.B, 221 (Part), 222 S.A RP (Part), 222 S.A ss.1 (Part), 222 S.B (Part), 224 S.B (Part), 224 S.C (Part) and 224 S.D in D.D. 128, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/828)

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173. The Secretary reported that on 7.12.2012, the applicant requested for a deferment of the consideration of the application for two months pending the review decision for planning application No. A/YL-HT/805.

174. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant and agreed that the application should be submitted for its consideration within two months when the decision of the review on planning application No. A/YL-HT/805 was available. No further deferment would be granted unless under very special circumstances

### **Agenda Item 51**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-KTN/393 Temporary Private Car Park for a Period of 3 Years in “Comprehensive Development Area” zone, Lots 3307 RP (Part), 3308 RP (Part), 3312 RP, 3313 RP, 4202 RP (Part) in D.D. 104 and Adjoining Government Land, Long Ha, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTN/393)

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### Presentation and Question Session

175. 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 private car park for a period of three years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 9 of the Paper;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper.

176. Members had no question on the application.

### Deliberation Session

177. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no vehicles without valid licences issued under the Traffic Regulations were allowed to be parked/stored on the site during the planning approval period;

- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site at any time during the planning approval period;
- (e) all the existing trees and landscape plantings on the site should be maintained at all times during planning approval period;
- (f) the maintenance of the existing mitigation measures to minimize any possible nuisance of noise and artificial lighting on-site to the residents nearby at all times during the planning approval period;
- (g) the existing drainage facilities should be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (i) the submission of fire service installation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (j) in relation to (i) above, the provision of fire service installations within

9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;

- (k) the submission of parking layout plan with dimensions within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 21.6.2013;
- (l) in relation to (k), the implementation of parking layout plan within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 21.9.2013;
- (m) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (n) if any of the above planning conditions (h), (i), (j), (k) or (l) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (o) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands

Department (LandsD) that the lots within the application site except Lot No. 4202 RP were Old Scheduled Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from the LandsD. Lot No. 4202 RP was a New Grant Lot (Not for building purpose). No approval had been given to the proposed specified structures as security booth and electricity supply hut. No permission had been given for the proposed use and/or occupation of the government land (GL) within the site. Letter of Approval (L of A) and Modification of Tenancy (MOT) Nos. MT/LM8926, M5841, M581 and M130 were issued for erection of structures over Lot No. 4202 RP in D.D.104 for agricultural and accommodation purposes. If structures of other purposes were found on the above lots, LandsD would consider termination of the L of A and MOT as appropriate. The site was accessible through an informal track on private lot and/or GL extended from San Tam Road. LandsD provided no maintenance works for the track nor guarantees right-of-way. A 400kV overhead powerline from border to Yuen Long N.T. (ref no.: 237/YRN/60U) held by CLP Power Hong Kong Limited (CLPP) was affected. The applicant should consult CLPP. The lot owners concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on site. The applicant had to either exclude the GL portion or apply for a formal approval prior to the actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (d) to note the comments of the Commissioner for Transport that the size of private parking should be 5m x 2m and the minimum width of aisle should be 6m;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting

the site and San Tam Road;

- (f) to adopt the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (g) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plan 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. In formulating FSI proposal for the proposed structures, for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to the structures, portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans. The applicant was required to provide justifications to his department for consideration if the applicant wish to apply for exemption from the provision of certain FSI;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained. Otherwise, they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in

accordance with the BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (i) to note the comments of the Director of Electrical and Mechanical Services that there were 400kV overhead lines (OHL) running across the site. A minimum vertical clearance of 7.6m between the top of any structure and the lowest point of the OHL conductors should be maintained; and a minimum safety clearance of 5.5m from the OHL conductors in all directions should also be maintained. The roof of the developments should not be accessible. No scaffolding, crane and hoist should be built or operated within 9m from the conductors of the 400kV overhead lines at all times. 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 should be allowed to get access to the 50 meters 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 the Working near Electricity Supply Lines" established under the Regulation should be observed by the applicant and his contactors at all times. As regards the electric and magnetic fields arising from the 400kV overhead lines, the applicant was warned of possible undue interference to some electronic equipment such as computer monitors within the developments underneath the overhead lines. Besides, there was an underground town gas transmission pipe running along San Tam Road. For any development near town gas transmission pipes, the proponent/ consultant should maintain liaison/ coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of

existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipelines if any excavation work was required during the design and construction stages of the development. The applicant should also note the requirements of the Electrical and Mechanical Services Department's "Code of Practice on Avoiding Danger from Gas Pipes"; and

- (j) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that existing water mains would be affected. The developer should bear the cost of any necessary diversion works affected by the proposed development. In case it was not feasible to divert the affected water mains, Waterworks Reserve with 1.5 metres measuring from the centreline of the affected water mains should be provided to WSD. No structure should be erected over this waterworks reserve and such area should not be used for storage or car-parking purposes. The Water Authority and his offices and contractors, his or their workmen should 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 might require or authorize.

## **Agenda Item 52**

### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-KTS/586      Temporary Open Storage of Container Trailers for Sale, Vehicles/  
Spare Parts and Construction Materials and Workshop for a Period of 3  
Years in "Other Specified Uses" annotated "Rural Use" zone,  
Lots 447 RP (Part), 448 (Part), 411 (Part), 414 RP, 403, 404 (Part),  
410 (Part), 408 RP (Part) in D.D. 106 and Adjoining Government  
Land, Kam Sheung Road, Kam Tin, Yuen Long  

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(RNTPC Paper No. A/YL-KTS/586)

Presentation and Question Session

179. 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 container trailers for sale, vehicles/ spare parts and construction materials and workshop for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures/dwellings located to the immediate north and east and in the vicinity of the site and environmental nuisance was expected. However, the site was not the subject of any substantiated environmental complaint in the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received. The commenter was concerned about the impacts on the natural environment and the traffic (particularly the use of heavy vehicles at the vehicular access from Kam Sheung Road to the site) arising from the development. Besides, the views of the locals on the application should be respected. District Officer (Yuen Long), Home Affairs Department (DO(YL), HAD) had no particular comment on the application. Nevertheless, he had received a public comment from a Yuen Long District Councillor which was same as the public comment received during the statutory publication period; and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of one year based on the assessments as detailed in paragraph 12 of the Paper. Regarding the DEP's comments, there was no local objection received during the

statutory publication period and there was no substantiated environmental complaint received by DEP in the past three years. Besides, the site was near Kam Sheung Road with direct access to the road. The traffic generated from the site would not pass through major village settlements in the area. To monitor the situation on the site and to address the concerns of the DEP on the possible nuisance generated by the temporary use, a shorter approval period of one year and approval conditions restricting operation hours and maintenance of the existing boundary fencing were recommended. As for the public comment, to address the environmental concerns, shorter approval period was recommended and appropriate approval conditions were proposed. As regards the traffic concern, the relevant departments including Commissioner for Transport and Commissioner of Police had no adverse comment on the application.

180. Members had no question on the application.

#### Deliberation Session

181. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year, instead of 3 years period sought, until 21.12.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 7:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays was allowed on the site during the planning approval period;
- (c) the existing boundary fencing on the application site should be maintained at all times during the planning approval period;
- (d) no reversing of vehicles into or out from the site was allowed at any time during the planning approval period;

- (e) the existing trees and landscape plantings on the site should be maintained at all times during the planning approval period;
- (f) the existing drainage facilities on 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 21.3.2013;
- (h) 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 1.2.2013;
- (i) 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 21.3.2013;
- (j) in relation to (i) above, the provision of 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 21.6.2013;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (l) if any of the above planning conditions (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of

the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) shorter approval period was granted so as to monitor the situation on the site and shorter compliance periods were given correspondingly. Should the applicant fail to comply with the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (d) to note the comments of the District Lands Officer/Yuen Long that the subject lots were Old Scheduled Agricultural Lots held under Block Government Lease under which no structure was allowed to be erected without prior approval from Lands Department (LandsD). No approval was given for the proposed specified structures as store room, offices and workshop. No permission had been given for the proposed use and/or occupation of the government land (GL) within the site. Letter of Approval (L of A) / Modification of Tenancy (MOT) No. M15154 (for Lots 411 and 414 RP), M15192 (for Lots 403 and 404) and MT/LM 2588 (for Lot 404) were issued permitting erection of temporary agricultural/domestic structures thereon. If structure of other purpose was found on the above lots, LandsD would consider termination of the L of A / MOT as appropriate. Access to the site required traversing through other private lots and/or GL. LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Furthermore, the applicant had to exclude the GL portion from the site or apply for a formal

approval prior to actual occupation of the GL portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (e) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimise any potential environmental nuisances;
- (f) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of a local access road which was not managed by the Transport Department. 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. Besides, drivers of heavy goods vehicles should drive slowly with great care, particularly when there was an opposing stream of traffic on the local road;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the application site and Kam Sheung Road;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the site abutted a channel/nullah where gabion linings were implemented for mitigating ecological impacts. The channel was being utilized by wetland-dependant birds. The applicant should implement necessary measures to prevent polluting the channel/nullah during operation;

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site. Prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
  
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. 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. Detailed fire safety requirements would be formulated upon receipt formal submission of general building plans. To address the approval condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS251) to his department for approval; and
  
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be

removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on the site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

### **Agenda Item 53**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-PH/655            Temporary Open Storage of Construction Materials, Machinery and Second-Hand Vehicles for a Period of 3 Years in “Agriculture” and “Residential (Group D)” zones, Lots 2879 (Part), 2881 (Part), 2888 (Part), 2889 (Part), 2890 (Part) and 2900 (Part) in D.D. 111, Wang Toi Shan, Wing Ning Lei, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/655)

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#### **Presentation and Question Session**

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

- (a) background to the application;
- (b) the temporary open storage of construction materials, machinery and second-hand vehicles for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there was sensitive receiver, i.e. residential structure, located to the northwest of the site (about 60m away) and along the access road, and environmental nuisance was expected.

However, there was no environmental complaint on the site received in the past three years. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as about half of the site fell within an area zoned “Agriculture” (“AGR”) and the site was of high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, three public comments from two local villagers of Wang Toi Shan and the Designing Hong Kong Limited were received. The commenters objected to or expressed concern on the application as the proposed development was a blight on the environment and similar land uses had already existed in the area. Since the proposed development would involve the use of heavy vehicles and removal of vegetation/paving of the site without proper drainage system, it would cause adverse traffic impact on the local road branching off Kam Tin Road to the village, traffic congestion and flooding problem. Moreover, sewerage facilities should be properly provided to avoid 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 temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Although DAFC did not support the application, similar open storage use had been operated at the site since 1999. Besides, there were approved applications for similar open storage uses in the vicinity of the site. It was considered that the approval of the application on a temporary basis for a period of three years would not frustrate the long-term planning intention of the “AGR” zone. Although DEP did not support the application, there had not been any environmental complaint in the past three years. To address DEP’s concern, approval conditions restricting the operation hours and types of vehicles, as well as prohibiting the workshop activities were recommended. Regarding the public comments, the proposed development was considered not incompatible with adjoining mixture of various open storage uses and

the relevant departments including Commissioner of Police, Director of Environmental Protection and Chief Engineer/Mainland North, Drainage Services Department had no adverse comments on the application.

184. Members had no question on the application.

Deliberation Session

185. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no operation between 5:00 p.m. to 9:00 a.m. on Mondays to Fridays and between 1:00 p.m. to 9:00 a.m. on Saturdays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out at the site during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (f) the submission of a record of the existing drainage facilities on the site within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;

- (g) the submission of a tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.6.2013;
- (h) in relation to (g) above, the implementation of a 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 21.9.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2013;
- (j) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owners of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval from LandsD. No approval had been given to the approved specified structures as converted containers for office. Access to the site required traversing through private lot and/or government land (GL). LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (c) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting

the site and Kam Tin Road;

- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department (PlanD) that the applicant should update photo record on the conditions of the existing trees and shrubs within the application boundary;
- (f) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary,

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

- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage site at Appendix V of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval; and
  
- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that all unauthorized structures on the site should be removed. All building works were subject to compliance with the Buildings Ordinance (BO). Authorized Person should be appointed to coordinate all building works. The granting of planning approval should not be construed as an acceptance of the unauthorized structures on site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works in the future.

**Agenda Item 54**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-PH/656            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/656)

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**Presentation and Question Session**

187.        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 machinery and second hand vehicles for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) advised that the development would attract traffic of heavy vehicles which was expected to travel along access road within 50m from the nearest residential building. Hence, the proposed use was undesirable as it might cause environmental nuisance. However, there was no environmental complaint received in relation to the site in the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, three public comments from local villagers of Wang Toi Shan Tsuen and the Designing Hong Kong Limited was received. The commenters objected to or expressed concerns on the application as the development was a blight on

the environment and similar land uses had already existed in the area. The concerned access road was narrow and would not be suitable for container vehicles. The development would also cause traffic congestion and flooding problem. Besides, sewerage facilities should be properly provided to avoid 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 temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 12 of the Paper. Regarding DEP's concerns, there had not been any environmental complaint in the past three years and approval conditions restricting the operation hours and prohibiting heavy goods vehicles and repairing, maintenance, cleansing, dismantling, paint spraying or workshop activities were recommended. As regard the public comments received, the development was considered not incompatible with the adjoining mixture of various open storage uses and the relevant departments consulted including Commissioner for Transport, Commissioner of Police and Chief Engineer/Mainland North, Drainage Services Department had no adverse comment on the application.

188. Members had no question on the application.

#### Deliberation Session

189. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

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

- (c) no dismantling, maintenance, repairing, cleansing, paint spraying or other workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance was allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing boundary fencing on the site should be maintained at all times during the planning approval period;
- (f) the implementation of approved landscaping proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (h) in relation to (g) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (i) the provision of fire extinguisher(s) within 6 weeks with a valid fire certificate (FS 251) from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2013;
- (j) 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 21.3.2013;
- (k) in relation to (j) above, the provision of 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 21.6.2013;

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

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issues relating to the development with the concerned owners of the site;
- (c) shorter compliance periods were granted so as 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 might not be given by the Committee to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprised Old Scheduled Agricultural

Lot held under Block Government Lease which contained the restriction that no structure was allowed to be erected without prior approval from LandsD. No approval had been given to the approved specified structures as the office. Access to the site required traversing through private lot and/or government land (GL). LandsD provided no maintenance work for the GL involved and did not guarantee right-of-way. The lot owner concerned would still need to apply to LandsD to permit any additional/excessive structures to be erected or regularize any irregularities on the site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;

- (f) to note the comments of the Commissioner for Transport that the site was connected to the public road network via a section of local access road which was not managed by the Transport Department. The land status of the local access road should be checked with the lands authority. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was not/should not be responsible for the maintenance of any existing vehicular access connecting the site and Kam Tin Road;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt necessary measures to prevent polluting the watercourse during operation as the site was in the vicinity of a watercourse;
- (i) to adopt environmental mitigation measures as set out in the “Code of

Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to alleviate any potential environmental nuisance;

- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the submitted drainage proposal appeared to be preliminary. Many essential details, such as gradients of the proposed u-channel, connection details of the proposed channel and the existing drainage facilities, relevant cross sections with the adjacent lands etc. were missing;
- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction operation and maintenance of the inside services within the private lots to WSD’s standards. Water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the

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

- (m) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations (FSIs) were anticipated to be required. Therefore, the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Besides, the good practice guidelines for open storage site in Appendix V of the Paper should be adhered to. In formulating FSIs proposal for the proposed structure, for other storages, open sheds or enclosed structure with total floor area less than 230m<sup>2</sup> with access for emergency vehicles to reach 30m travelling distance to structures, portable hand-operated approved appliance should be provided as required by occupancy and should be clearly marked on plans. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant was required to provide justifications to his department for consideration. To address the condition on provision of fire extinguisher(s), the applicant should submit a valid fire certificate (FS 251) to his department for approval; and
  
- (n) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the structures were erected on leased land without approval of the BD (not being New Territories Exempted Houses), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under application. Before any new building works (including temporary buildings) were to be carried out on the site, prior approval and consent of Building Authority (BA) should be obtained. Otherwise, they were unauthorized building works (UBW).

An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. If the site did not abut on a specified street of not less than 4.5m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Agenda Item 55**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-TYST/624      Proposed Temporary Warehouse for Storage of Furniture for a Period of 3 Years in "Undetermined" zone, Lot 961 S.C (Part) in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/624)

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#### **Presentation and Question Session**

191.      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 warehouse for storage of furniture for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses to the south, northeast and in the vicinity of the site and environmental nuisance was expected. However, there was no environmental complaint concerning the site received in the past three years. Other concerned government departments had no objection to or adverse comment on the application;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application, the development was proposed for storage purpose mainly in an enclosed warehouse structure and there had not been any environmental complaint in the past three years. The applicant also proposed not to operate the site during night time between 6:00p.m. to 9:00a.m.; not to carry out packaging, repairing/maintenance or other workshop activities on the site and not to use heavy goods vehicles for transportation of goods. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting workshop activities and restricting the use of heavy goods vehicles were recommended.

192. Members had no question on the application.

#### Deliberation Session

193. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays or public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no packaging, repairing/maintenance or other workshop activities, as proposed by the applicant, should be carried out on the application site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to enter/exit the application site at any time during the planning approval period;
- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.6.2013;
- (f) in relation to (e) above, the implementation of drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.9.2013;
- (g) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.6.2013;
- (h) in relation to (g) above, the implementation of fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.9.2013;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should

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

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

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

- (a) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given to the proposed specified structure. The lot owners concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or government land (GL). His office provided no maintenance work for the GL involved and did not guarantee right-of-way;
- (b) to note the comments of the Commissioner for Transport that sufficient space should be provided within the site for manoeuvring of vehicles. In addition, no vehicle queuing and no reverse movement of vehicles on public road were allowed. 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 access road/path/track should be clarified with the relevant lands and maintenance

authorities accordingly;

- (c) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Kung Um Road should be commented and agreed by Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to nearby public roads and drains. HyD should not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (d) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (e) to note the comments of the Director of Agriculture, Fisheries and Conservation to ensure that the proposed development would not affect the nearby wooded area zoned as “Green Belt” to the west of the site;
- (f) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD’s standards. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant;
- (g) to note the comments of the Director of Fire Services (D of FS) that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the

proposed structures, the applicant was advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; the maximum storage height for warehouse should be provided in accordance with Table 1 in LPC rules incorporating BSEN 12845:2003; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant should provide justifications to his Department for consideration; and

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

**Agenda Item 56**

**Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-TYST/625      Renewal of Planning Approval for Temporary “Place of Recreation (War Game Playground)” Use for a Period of 2 Years in “Green Belt” zone, Lots 7 to 10, 14, 31 to 34, 39, 40 (Part), 41 to 51, 54, 70, 77, 118 to 126, 417 RP and 515 (Part) in D.D. 119, Shan Ha Tsuen, Yuen Long (RNTPC Paper No. A/YL-TYST/625)

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**Presentation and Question Session**

195.      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 - the site was subject of a previous planning application No. A/YL-TYST/507 for the same use approved by the Committee on 23.12.2010 for a period of 2 years until 2.1.2013;
- (b) renewal of planning approval for temporary “Place of Recreation (war game playground)” use for a period of 2 years;
- (c) departmental comments – concerned government departments had no objection to or adverse comments on the application as detailed in paragraph 10 of the Paper;
- (d) no public comment was received during the 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 two years based on the assessments as detailed in paragraph 12 of the Paper.

196. Members had no question on the application.

Deliberation Session

197. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years from 3.1.2013 to 2.1.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 6:00 p.m. and 10:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no new or further excavation of the existing ditches, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the existing protective fence on the application site should be maintained at all times during the planning approval period;
- (d) the existing drainage facilities, watercourses, flow paths as well as runoff falling onto and passing through the site should be properly maintained at all times during the planning approval period;
- (e) the submission of tree preservation proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 2.7.2013;
- (f) in relation to (e) above, the implementation of tree preservation proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 2.10.2013;
- (g) the submission of fire service installation 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 2.7.2013;

- (h) in relation to (g) above, the provision of fire service installations within 9 months from the date of commencement of the renewed planning approval to satisfaction of the Director of Fire Services or of the TPB by 2.10.2013;
- (i) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that no approval had been given to the proposed specified structure as mobile toilet. The lot owner concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such

terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or government land (GL). His office provided no maintenance works for the GL involved and did not guarantee right-of-way;

- (c) to note the comments of the Commissioner for Transport 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 access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Kung Um Road should be commented and agreed by Transport Department. HyD should not be responsible for the maintenance of any access connecting the site and Kung Um Road. Also, adequate drainage measures should be provided to prevent surface water running from the site to nearby public roads and drains;
- (e) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affect any existing watercourse, village drains or ditch;
- (g) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the

provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant;

- (h) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structure, fire service installations were anticipated to be required. The applicant was advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his Department for approval. The applicant was advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSI to be installed should be clearly marked on the layout plans. Detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI, the applicant should provide justifications to his Department for consideration; and
  
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of the BD (not being a New Territories Exempted House), they were unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) were to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on lease land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed

as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

### **Agenda Item 57**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Session Only)]

A/YL-TYST/626 Proposed Temporary Open Storage of Construction Machinery, Construction Materials, Recyclable Materials (including Paper, Metal and Plastic) with Ancillary Workshop and Office for a Period of 3 Years in “Undetermined” zone, Lots 2428 RP (Part), 2429 S.D (Part), 2698 S.A (Part), 2700 (Part), 2704 S.A and S.B (Part), 2705 (Part), 2712 S.A (Part), 2712 S.B (Part), 2713 (Part), 2714, 2716 RP, 2717 RP, 2718 RP (Part) in D.D. 120 and Adjoining Government Land, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/626)

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#### **Presentation and Question Session**

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 – regarding the prosecution action taken on the site, the Chief Town Planner/Central Enforcement and Prosecution advised that two of the defendants pleaded guilty to the charge on 19.12.2012. Noting that there were some lift platforms found on the site as revealed by the site inspection on 17.12.2012, the Magistrate ordered that the stuff should be cleared as soon as possible before the sentence

hearing on 16.1.2013. The site was found vacated as revealed in the site visit on 21.12.2012;

- (b) the proposed temporary open storage of construction machinery, construction materials, recyclable materials (including paper, metal and plastic) with ancillary workshop and office for a period of three years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of residential uses in the vicinity of the site, and environmental nuisance was expected. There were two substantiated environmental complaints related to waste pollution on the site in 2009 concerning land filling activities, but no offence could be established in his investigation. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site had high potential for agricultural rehabilitation. Other concerned government departments had no objection to or adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council member who objected to the application as he considered that the operation hours of the site (i.e. from 8:00a.m. to 11:00p.m.) was too long and that the metal-hitting noise generated from the workshop could create nuisance to the nearby residents. Moreover, the site was in close proximity to the nullah and the discharge/runoff from the site would create pollution. Also, the site was involved in repeated revocations of the previous planning approvals and that reflected the applicant's insincerity to comply with the approval conditions. As such, the current application should be rejected. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of three years based on the

assessments as detailed in paragraph 12 of the Paper. Although DAFC had reservation on the application, the intention of the “Undetermined” zone was generally intended for open storage use but was designated “Undetermined” zone due to the concerns of the capacity of Kung Um Road. Regarding EPD’s comments on the environmental complaints received in 2009, it was noted that no offence could be established in EPD’s investigation. To address DEP’s concerns, approval conditions restricting the operation hours, prohibiting the carrying out of workshop activities in Compartments No. 1 and 3, prohibiting the storage and handling of used electrical appliances and electronic waste, and prohibiting the use of heavy goods vehicles were recommended. Regarding the public comments, the proposed operation hours under the current application were the same as that under the previous applications as well as that of the adjoining open storage use recently approved. Moreover, carrying out of workshop activities would be limited to Compartment No. 2 only and the surrounding areas of the site were mainly open storage yards with the nearest residential structure located 60m to the east of the site and separated by Lam Tei West Road and Lam Tei East Road and a nullah. Furthermore, shorter compliance periods would be imposed to monitor the situation on the site and the progress on compliance with approval conditions.

200. Members had no question on the application.

#### Deliberation Session

201. In response to a Member’s query, Ms. Bonita Ho said that as the site had been cleared and shorter compliance periods would be imposed, the planning application could be approved for a period of three years.

202. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.12.2015, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) no workshop activities were allowed in Compartments No. 1 and 3 of the application site, as proposed by the applicant, at all time during the planning approval period;
- (d) no dismantling, repairing, cleansing, paint spraying or other workshop activities, except packaging and classification of recycled materials, should be carried out in Compartment No. 2, as proposed by the applicant, at any time during the planning approval period;
- (e) no storage or handling (including loading and unloading) of electrical appliances and electronic/computer parts (including cathode-ray tubes) was allowed on the application site, as proposed by the applicant, at any time during the planning approval period;
- (f) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to park/store on or enter/exit the application site at any time during the planning approval period;
- (g) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 21.3.2013;
- (h) in relation to (g) above, the implementation 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 21.6.2013;

- (i) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.3.2013;
- (j) in relation to (i) above, the 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 21.6.2013;
- (k) the provision of fire extinguisher(s) together with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 1.2.2013;
- (l) 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 21.3.2013;
- (m) in relation to (l) 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 21.6.2013;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (o) if any of the above planning conditions (g), (h), (i), (j), (k), (l) or (m) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (p) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) shorter compliance periods were allowed to monitor the situation on the site and the progress on compliance with approval conditions;
- (b) sympathetic consideration would not be given to any further application if the planning permission was revoked again due to non-compliance of approval conditions;
- (c) to resolve any land issue 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) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no approval had been given for the specified structures as guard room, toilet, storage, ancillary workshop and office uses. No permission had been given for the applied use and/or occupation of the government land (GL) within the site. The lot owners and the occupiers of GL concerned would still need to apply to his office to permit any additional/excessive structures to be erected or regularize any irregularities on-site. Furthermore, the applicant had to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the government land portion. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion and there was no guarantee that such application would be approved. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD. Besides, access to the site required traversing through private lot and/or government land. His office provided no maintenance works for the government land involved and did not guarantee right-of-way;
- (f) to note the comments of the Commissioner for Transport 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 access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Shan Ha Road should be commented and agreed by the Transport Department. HyD should not be responsible for the maintenance of any access connecting the site and Shan Ha Road. Besides, adequate drainage measures should be provided to prevent surface water running from the site to nearby public roads and drains;
- (h) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Director of Environmental Protection to minimize any potential environmental nuisances;
- (i) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the numbers and locations of the existing trees as shown on the Proposed Landscape and Tree Preservation Plan did not tally with the actual site situation. Moreover, there was room for more tree planting along the northern and western boundaries;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the proposed drainage plan that the sizes of the proposed catchpits and the details of connection with the existing catchpit should be shown on the drainage plan, the catchpits should be provided at the turning points along the proposed 900mm U-channel and that the location and details of the proposed corrugated metal sheets should be shown on the proposed drainage plan. Also, DLO/YL, LandsD and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or the applicant’s jurisdiction;

- (k) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, water mains in the vicinity of the site could not provide the standard pedestal hydrant;
  
- (l) to note the comments of the Director of Fire Services on the requirements on formulating fire service installations (FSIs) proposal in Appendix V of the Paper. Should the applicant wish to apply for exemption from the provision of certain FSIs as required, the applicant should provide justifications to his Department for consideration; and
  
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there was no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures were erected on leased land without approval of BD (not being New Territories Exempted Houses), they were unauthorized under the Building Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers and open sheds as temporary buildings) were to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they were unauthorized building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action might be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site should be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with

Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site did not abut on a specified street of not less than 4.5 m wide, its permitted development intensity should be determined under Regulation 19(3) of the B(P)R at the building plan submission stage.

[The Chairman thanked Ms. Bonita K.K. Ho, STP/TMYL, for her attendance to answer Members' enquiries. Ms. Ho left the meeting at this point.]

### **Agenda Item 58**

#### **Any Other Business**

(i) **Section 16A Application**

[Open Meeting]

A/YL-SK/169-1      Application for Extension of Time for Compliance with Planning Condition - Temporary Shop and Services (Horticulture and Interior Design Sample Showroom) and Office for a Period of three Years in "Village Type Development" zone, Lots 1285 RP (Part) and 1286 RP (Part) in D.D. 114, Kam Sheung Road, Shek Kong, Yuen Long (RNTPC Paper No. A/YL-SK/169-1)

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204.            The Secretary reported that an application for extension of time for compliance with planning conditions (e), (f), (g), (h), (i), (j), (k) and (l) for 3 months under application No. A/YL-SK/169-1 was received on 14.12.2012. While approval conditions (e) and (g) were complied with, the applicant failed to comply with conditions (i) and (k) by the expiry date on 15.12.2012 and the planning permission was revoked on the same day. The application which was received on 14.12.2012, one day before the deadline for compliance with conditions (i) and (k), would not be processed in accordance with the practice adopted by the Town Planning Board as the time limit for compliance with conditions (i) and (k) had already expired at the time of consideration by the Committee.

205.            After deliberation, the Committee agreed that the application for extension of time could not be considered for reason that as the time limit for compliance with approval

conditions (i) and (k) had already expired on 15.12.2012, the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the s.16A application as the planning permission no longer existed at the time of consideration.

(ii) Vote of Thanks

206. The Chairman said that this was the last Rural and New Town Planning Committee for Dr. W. K. Lo who decided to resign. The Chairman proposed and Members supported that a vote of thanks be given to Dr. Lo for his contribution to the Committee.

207. There being no other business, the meeting closed at 7:00 p.m..