

**TOWN PLANNING BOARD**

**Minutes of 539<sup>th</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 21.8.2015**

**Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Mr H.F. Leung

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Mr Philip S.L. Kan

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr Kelvin K.M. Siu

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

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

Assistant Director/Regional 3 (Acting),  
Lands Department  
Ms Lily L.L. Chiu

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

Secretary

**Absent with Apologies**

Ms Anita W.T. Ma

Ms Janice W.M. Lai

Ms Christina M. Lee

Mr F.C. Chan

**In Attendance**

Assistant Director of Planning/Board  
Miss Fiona S.Y. Lung

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

Town Planner/Town Planning Board  
Mr William W.L. Chan

**Agenda Item 1**

Confirmation of the Draft Minutes of the 538<sup>th</sup> RNTPC Meeting held on 7.8.2015

[Open Meeting]

1. The draft minutes of the 538<sup>th</sup> RNTPC meeting held on 7.8.2015 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

**Sai Kung and Islands District**

**Agenda Item 3**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-PK/5                      Application for Amendment to the Approved Pak Kong & Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11, To rezone the application site from “Residential (Group C) 3” to “Residential (Group C) 4”, Lot 806 (Part) in D.D. 216, No. 99 Chuk Yeung Road, Sai Kung  
(RNTPC Paper No. Y/SK-PK/5)

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3. The Secretary reported that ADI Ltd. and Environ Hong Kong Ltd. were the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with both consultants. As Mr Fu had no involvement in this application, the Committee agreed that he could stay in the meeting. The Committee noted that Ms Lai had tendered apologies for being unable to attend the meeting.

Presentation and Question Sessions

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

Mr Ivan M.K. Chung	- District Planning Officer/Sai Kung and Islands (DPO/SKIs);
Mrs Alice K.F. Mak	- Senior Town Planner/Sai Kung and Islands (STP/SKIs)
Mr Kenneth To	] Representatives of the applicant
Ms Kitty Wong	]
Mr Joseph Ho	]
Mr George Lew	]
Mr Chou Cheng Ngok	]
Ms Chan Woon Ling	]
Ms Elsa Kwong	]
Mr Ng Siu Lung	]
Mr David Yeung	]
Mr Alan So	]

5. The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mrs Alice K.F. Mak, STP/SKIs, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mrs Mak presented the application and covered the following aspects as detailed in the Paper :

- (a) the site with an area of about 2,769 m<sup>2</sup> was currently zoned “Residential (Group C)3” (“R(C)3”) on the approved Pak Kong & Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11 subject to a maximum plot ratio (PR) of 0.4, maximum site coverage (SC) of 20%, and maximum building height (BH) of 9m and 2 storeys over 1 storey of carport. The applicant proposed to rezone the site to a new “R(C)4” subzone with the maximum PR increasing from 0.4 to 0.6 (+50%), maximum SC increasing from 20% to 30% (+50%), and maximum BH changing to 9m and 3 storeys including carport. According to the indicative scheme, the proposed development

would have 11 houses with a total gross floor area of about 1,661.4m<sup>2</sup> at a PR of 0.6, SC of 30%, BH of 9m and 3 storeys including carport on the site and flat size of about 151 m<sup>2</sup>. 18 car parking spaces for residents, one motorcycle parking space and one loading/unloading bay would be provided;

[Mr David Y.T. Lui and Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

- (b) the site was currently occupied by an existing residential development, i.e. Arcadia, with eight 2-storey houses, and was accessible from an extended road from Chuk Yeung Road to its north. To the immediate south-west of the site was an area zoned “Green Belt” which was covered by shrubs and trees. To the immediate east and north of the site were 3-storey residential developments within “R(C)1” zone;
- (c) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;
- (d) departmental comments were set out in paragraph 9 of the Paper. The District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) advised that the lot owner would need to apply for a lease modification or land exchange to effect the proposed residential development. Other concerned departments had no objection to or no adverse comment on the application;
- (e) during the first three weeks of the statutory publication period, three public comments were received. Two comments from individuals objected to the application as the proposed development might create adverse visual and landscape impacts on the surrounding areas and would result in an undesirable precedent for similar applications. A Sai Kung District Council member commented that the Committee should take the comments of the village representative and local villagers into consideration; and
- (f) the Planning Department (PlanD)’s views – PlanD did not support the

application for reasons as detailed in paragraph 11 of the Paper, which were summarised as follows:

- (i) there was a need to conserve the character of the residential developments in the Area. The current PR of “R(C)3” zone already reflected the existing building bulk and lease entitlement of the site. There was no strong planning justification in the current submission to support the proposed rezoning involving increase in PR and SC as well as change in BH. The current “R(C)3” zoning of the site was considered appropriate;
- (ii) the submission failed to demonstrate that there was any site constraint to justify increasing the site coverage and amending the BH restriction;
- (iii) the approval of the application with no strong planning justification would result in an undesirable precedent for similar applications in the “R(C)” zone, the cumulative impact of which would lead to adverse impacts on the existing low-rise, low-density rural character;
- (iv) should the subject rezoning application be approved and the OZP be amended to incorporate the proposed “R(C)4” zone, the Town Planning Board (TPB) would have no control on the design of the future residential development as long as the development parameters under the new zoning had been complied with; and
- (v) there were public comments raising objection to the application.

6. The Chairman then invited the applicant’s representatives to elaborate on the application. With the aid of a PowerPoint presentation, Mr Kenneth To made the following main points :

- (a) the site was surrounded by a “R(C)1” neighbourhood along Chuk Yeung Road. The site had been singled out under a different subzone (i.e.

“R(C)3”);

- (b) the site and its surrounding residential neighbourhood were previously zoned “Residential (Group B)” (“R(B)”) subject to a maximum PR of 0.6, SC of 30% and BH of 2 storeys over one level of carport on the Sha Kok Mei Interim Development Permission Area Plan No. IDPA/SK-SKM/1 (the IDPA Plan) gazetted on 12.10.1990. On the subsequent Development Permission Area Plan No. DPA/SK-SKM/1 (the DPA Plan) gazetted on 12.7.1991, the site was rezoned from “R(B)” to “R(C)2” with a maximum PR and SC reducing to 0.4 and 20% respectively, whereas the surrounding residential neighbourhood was rezoned from “R(B)” to “R(C)1” without any change to the development restrictions. On the draft Pak Kong & Sha Kok Mei OZP No. S/SK-PK/1 gazetted on 1.7.1994, the site was rezoned from “R(C)2” to “R(C)3” without any change to the development restrictions. There had been no change to the zoning and development restrictions of the site until now;

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

- (c) the existing houses at the site were built in 1987 before the gazettal of the IPDA Plan. The residential developments at the surrounding “R(C)1” sites with a PR of 0.6 were completed either before or after 1987;
- (d) the reasons for designating a different zoning with more stringent PR and SC restrictions for the site as compared with the surrounding “R(C)1” sites could not be identified. The SC and BH restrictions of 20% and 2 storeys over one level of carport for the current “R(C)3” zoning did not reflect the parameters of the existing development on the site (i.e. SC of 30% and BH of 2 storeys including carport). BH was not an issue since the “R(C)3” zoning already allowed the existing development of 3 storeys. The existing development with SC of 30% was the same as the surrounding “R(C)1” sites. No planning and design reasons could be identified for stipulating a lower SC restriction (i.e. 20%) for redevelopment of the “R(C)3” site. Also no reason could be identified for stipulating a lower

PR restriction for the “R(C)3” site as compared with the surrounding “R(C)1” developments;

- (e) the proposed PR, SC and BH restrictions for the “R(C)4” zoning had no fundamental difference from those for the “R(C)1” zoning. Future development at the proposed “R(C)4” zone would be compatible with the surrounding existing residential neighbourhood, which could be demonstrated on the photomontage viewing from Jockey Club Kau Sai Chau Public Golf Course’s Public Carpark. Also there was no objection from relevant government departments (including the Chief Town Planner/Urban Design and Landscape, PlanD) to the rezoning proposal;
- (f) as compared with the “R(C)1” zone (i.e. 2 storeys above carport), the proposed BH restriction of “R(C)4” zone (i.e. 3 storeys including carport) could allow more design flexibility and better utilisation of space at G/F, and in turn achieve less building mass and more space for greening and landscaping;
- (g) the proposed rezoning could achieve a number of planning merits including removing an unjustified “R(C)3” zoning; giving fair treatment to the applicant; achieving better building design and compliance with the current standards of developments such as higher greening ratio and better design of emergency vehicular access for maneuvering of fire engines; and being in line with the Government’s policy to increase housing land supply; and

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

- (h) the applicant had made responses to the rejection grounds recommended by PlanD. In response to the comment of TPB losing control on the design of the future residential development, should the subject rezoning application be approved, the future development control could be incorporated in the lease conditions. In response to the comment of “R(C)3” zoning being appropriate for the site and absence of strong planning justification for the proposed rezoning, the current “R(C)3”

zoning was unjustified, as it did not reflect the parameters of the existing development. The proposed “R(C)4” zoning had no fundamental difference from the “R(C)1” zoning, and could achieve the planning merits as mentioned above. In response to the comment of setting an undesirable precedent, concerned departments had no adverse comment on or no objection to the application. Other sites in the area were already zoned “R(C)1” of similar rural character and each case should be considered by TPB on its individual merits.

7. In response to a Member’s questions, Mr Kenneth To said that the proposed rezoning was in line with the Government’s policy of increasing housing supply as the proposed increase in PR from 0.4 to 0.6 would increase the number of houses from 8 to 11 and the applicant had been the landowner of the site since the gazettal of the IDPA Plan for the area.

8. Noting that there were other “R(C)3” sites in the area, a Member asked how the residential zonings in this area were designated. In response, Mr Ivan M.K. Chung, DPO/SKIs, said that the IDPA Plan was prepared within a very short period of time and the residential neighbourhood including the site was all zoned “R(B)” at that time. In the subsequent preparation of the DPA Plan, detailed assessment and departmental consultation were conducted, and lease entitlement and traffic concerns had been taken into account in designating zonings and development restrictions. The zonings and development restrictions designated for the residential sites were mainly to reflect the lease entitlement of different sites.

9. In response to the Chairman’s question, Mr Chung said that the reason for stipulating SC restriction for the site lower than that under the lease could not be identified. It was noted that the site was accessible from an extended road from Chuk Yeung Road while the surrounding “R(C)1” sites were directly accessible from Chuk Yeung Road / Tai Mong Tsai Road. Nevertheless, according to the Notes of the OZP for “R(C)” zone, developments / redevelopments would be able to achieve the PR, SC and BH of the existing buildings on site.

10. As the applicant’s representatives had no further points to raise and there were no

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

### Deliberation Session

11. The Chairman said that the DPA Plan was prepared for the area in 1991 to reflect the local character and development intensity existed at that time. In determining the appropriate zonings and development restrictions, it was an established practice to take into account the lease entitlement and existing building bulk of the concerned sites. Only if there were strong planning justifications, the proposed zonings and development restrictions of the sites on the DPA Plan would deviate from the lease entitlement. For the subject application, Members should consider whether the applicant had demonstrated any strong planning justification for stipulating a PR of 0.6 which was higher than that under the lease (i.e. PR of 0.4). As there were other sites zoned "R(C)3" in the area, it would be necessary to consider the implications of similar applications for rezoning of other "R(C)3" sites, if the subject application was approved.

12. Members noted that the differences in the development restrictions of "R(C)1" and "R(C)3" zonings were mainly due to the lease entitlement of the concerned sites and the traffic considerations. Members also noted that the site was not directly accessible from Chuk Yeung Road, while the other "R(C)3" sites might have direct access from major roads.

13. A Member said that the local character of the area near the site was mainly vegetated area with scattered low-density low-rise residential developments. The approval of the application might lead to adverse impacts on the local character. The justifications put forward by the applicant, in particular, the one related to the Government's policy of increase housing supply were not sufficient to outweigh the adverse impacts. The Chairman supplemented that the proposed number of flats in the rezoning application would only be indicative.

14. Members generally agreed that as there were other "R(C)3" sites in the area, the

approval of the subject application would result in an undesirable precedent for similar applications in the “R(C)” zone and the cumulative impact of which would lead to adverse impacts on the existing low-rise, low-density rural character.

15. A Member said that the current zonings on the OZP were designated having regard to a number of factors including lease entitlement and traffic concerns. The subject application could not be approved without a comprehensive review of the zonings in the area and there were no strong planning justifications to support the application. Other Members agreed.

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

- “(a) the current “Residential (Group C) 3” (“R(C) 3”) zone for the site is considered appropriate having regard to the rural character and environment of the area. There is no strong planning justification to support the proposed rezoning application from “R(C)3” to “R(C)4”; and
- (b) the approval of the rezoning application would result in an undesirable precedent for similar applications in the “R(C)” zone, the cumulative impact of which would lead to adverse impacts on the existing low-rise, low-density rural character.”

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

**Tuen Mun and Yuen Long West District**

**Agenda Item 4**

Section 12A Application

[Open Meeting (Presentation and Question Sessions only)]

Y/TM-SKW/6            Application for Amendment to the Draft So Kwun Wat Outline Zoning Plan (OZP) No. S/TM-SKW/12 to amend the planning intention in the Notes of the OZP for “Village Type Development” zone, Tuen Mun (RNTPC Paper No. Y/TM-SKW/6)

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17.            The following representative from the Planning Department (PlanD) and the representative of the applicant were invited to the meeting at this point:

- Mr David C.M. Lam            - District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW);
- Mr Sit Kwok Keung            - Representative of the applicant

18.            The Chairman extended a welcome and explained the procedure of the hearing. He then invited Mr David C.M. Lam, DPO/TMYLW, to brief Members on the background of the application. With the aid of a Powerpoint presentation, Mr Lam presented the application and covered the following aspects as detailed in the Paper :

- (a) the applicant proposed to amend the planning intention of the “Village Type Development” (“V”) zone by replacing ‘Small Houses by indigenous villagers’ by ‘New Territories Exempted House’ (‘NTEH’);
- (b) the justifications put forth by the applicant in support of the application were detailed in paragraph 2 of the Paper;
- (c) the application was related to the “V” zones on the So Kwun Wat OZP, which involved about 32.33 ha of land was zoned “V”;
- (d) the Committee rejected three similar section 12A applications (No.

Y/TM-SKW/3, 4 and 5) on amendments to the Covering Notes of the So Kwun Wat OZP on 8.8.2014, 28.11.2014 and 27.3.2015 respectively;

- (e) departmental comments were set out in paragraph 8 of the Paper. The District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) did not support the application. The New Territories Small House Policy was a policy approved by the Executive Council. Under the Small House Policy, a male indigenous villager of at least 18 years old who was descended through the male line from a resident in 1898 of a recognized village in the New Territories might apply to the authority for permission to erect for himself, during his lifetime a Small House on a suitable site within his own village. Under the Small House Policy, the construction of Small Houses was in general restricted to inside the village ‘environs’ of a recognized village. Other concerned departments had no objection to or no adverse comment on the application;
- (f) during the first three weeks of the statutory publication period, two public comments were received from the village representatives (VRs) of So Kwun Wat Tsuen and Designing Hong Kong Limited (DHKL). The VRs of So Kwun Wat Tsuen objected to the application as the proposed amendment in the application would affect the traditional right of the indigenous villagers in the So Kwun Wat Tsuen to apply and to build Small House within the “V” zone, while DHKL said that a comprehensive review of the Small House Policy was long overdue;
- (g) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper, which were summarised as follows:
  - (i) the planning intention of the “V” zone was to designate both existing recognized villages and areas of land considered suitable for village expansion. Land within “V” zone was primarily intended for development of Small Houses by eligible indigenous villagers;

- (ii) according to the Covering Notes of the OZP, NTEH meant “a domestic building other than a guesthouse or a hotel; or a building primarily used for habitation, other than a guesthouse or a hotel, the ground floor of which may be used as ‘Shop and Services’ or ‘Eating Place’, the building works in respect of which are exempted by a certificate of exemption under Part 3 of the Buildings Ordinance (Application to the New Territories) Ordinance (Cap. 121)”. Although the development of a Small House was also governed by the said Ordinance and NTEHs included Small Houses, it did not necessarily mean that a NTEH must be a Small House. Therefore the scope and application of ‘Small House’ and ‘NTEH’ were not entirely the same. It was considered inappropriate to revise the term ‘Small Houses by indigenous villagers’ by ‘NTEH’ in the planning intention of the “V” zone to the Notes of the OZP as proposed by the applicant; and
- (iii) there was no strong justification to support the proposed amendment to the Notes of the “V” zones in respect of the planning intention.

19. The Chairman then invited the applicant’s representative to elaborate on the application. Mr Sit Kwok Keung made the following main points :

- (a) NTEH development was promoted/governed by the then Cap. 322 since early 1960s. Small House Policy was implemented only since 1972;
- (b) the Bill to amend the then Cap. 322 by revising the height of NTEH from 25ft to 27ft (8.23m) was submitted to the then Legislative Council in 1986. It had also suggested adding ‘indigenous villager’ elements into the amended ordinance at that time, but was disagreed by the then Legislative Council as it violated the fundamental principle of fairness against genders. Hence, there were no such elements in the current Cap. 121 which replaced the then Cap. 322;
- (c) the planning intention of “V” zone with the term ‘indigenous villagers’ was

only incorporated in the Notes on the draft So Kwun Wat OZP No. S/TM-SKW/8 gazetted in 2003. Since the OZP was a statutory document, its Notes should not violate the principle of fairness and should be amended. He therefore proposed to amend the wording in the planning intention of the “V” zone, which would not adversely affect the right of indigenous villagers of developing Small Houses.

20. Members had no question on the application.

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

#### Deliberation Session

22. The Chairman said that NTEH was a type of building with a specific built-form and covered a wider meaning than ‘Small Houses’. Given the Small House Policy, the planning intention of “V” zone was to designate suitable land for development of Small Houses by eligible indigenous villagers. The applicant’s proposal was indeed not in line with the planning intention of “V” zone. It was not appropriate to revise the planning intention of “V” zone which was to facilitate the implementation of the Small House Policy. Members agreed.

23. After deliberation, the Committee decided not to agree to the application for the following reason :

“land within “Village Type Development” (“V”) zone is primarily intended for development of Small Houses by indigenous villagers. New Territories Exempted House (‘NTEH’) as defined under the Covering Notes of the Outline Zoning Plan (OZP) covers a wider meaning than ‘Small Houses’. It is considered inappropriate to revise the term ‘Small Houses by indigenous

villagers' by 'NTEH' in the planning intention of the "V" zone to the Notes of the OZP as proposed by the applicant."

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

[Mrs Alice K.F. Mak and Ms Donna Y.P. Tam, Senior Town Planners/Sai Kung and Islands (STPs/SKIs), were invited to the meeting at this point.]

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

#### **Agenda Item 5**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/246            Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot No. 679 RP in D.D. 244, Nam Pin Wai, Ho  
Chung, Sai Kung  
(RNTPC Paper No. A/SK-HC/246)

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

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper.    The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site possessed potential for

agricultural rehabilitation. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited and an individual. They objected to the application on the grounds that the proposed development was incompatible with the planning intention of the “Agriculture” zone; continuous increase in population and number of houses in Ho Chung would lead to inadequate provision of road access and parking facilities; there was no sewerage impact assessment in the submission; most villagers built houses for financial gain but not for self-consumption; and the scheme might be unlawful and unauthorized under the Small House Policy and all the associated regulations. No local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments as detailed in paragraph 11 of the Paper. Although DAFC did not support the application from agricultural point of view, there was no farming activity at the site and its surrounding. The application was generally in line with the ‘Interim Criteria for Consideration of Application for NTEH/Small House development in New Territories’, and since there was a shortage of land in meeting Small House demand in the “V” zone, sympathetic consideration should be given to the application. Regarding the public comments on the application, the proposed Small House would not bring adverse impacts as confirmed by the departments concerned and was not incompatible with surrounding land uses.

25. Members had no question on the application.

#### Deliberation Session

26. 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 21.8.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of fresh water supply to the development, the applicant may need to extend his inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD’s standard;
- (b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with Buildings Ordinance, and the Authorized Person must be appointed for the aforesaid site formation and communal drainage works;
- (c) to note the comments of the Director of Environmental Protection that the proposed development is outside water gathering grounds, and the area and its vicinity are not served by public sewers. In view of the small population and nature of the proposed development, septic tank and soakaway system are considered a suitable sewage treatment system provided that its design and operation follow the requirements in the Environmental Protection Department’s (EPD) Practice Note for Professional Person (ProPECC)

PN 5/93 “Drainage Plans subject to Comment by EPD”, including the percolation test and certification by Authorized Person;

- (d) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by the Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (e) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage collection and disposal facilities will be provided in connection with the proposed development to deal with the surface runoff of the Site or the same flowing on to the Site from adjacent area without causing any adverse drainage impacts or nuisance to the adjoining areas;
- (f) to note the comments of the Antiquities and Monuments Office (AMO), Leisure and Cultural Services Department that the site is located within the Ho Chung Site of Archaeological Interest. The applicant is required to provide the AMO with sufficient time to enter the site to conduct an archaeological survey. Should archaeological remains be identified, appropriate measures to salvage cultural remains underground prior to commencement of any construction works will be conducted. A Deed of Undertaking will be prepared via the District Lands Officer/Sai Kung for the applicant to sign in order to allow AMO to conduct the survey and excavation; and
- (g) to note the comments of the Chief Town Planner/Landscape and Urban Design, Planning Department that landscape planting along the southern side of the site for buffer screen is recommended.”

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SK-TMT/50                      Proposed Public Utility Installation (Sewage Pumping Station) in  
“Village Type Development” Zone, Government land in D.D. 258,  
Wong Chuk Wan, Sai Kung  
(RNTPC Paper No. A/SK-TMT/50)

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28.            The Secretary reported that the application was submitted by the Drainage Services Department (DSD). Ms Janice W.M. Lai had declared an interest in this item as she had current business dealings with DSD. The Committee noted that Ms Lai had tendered apologies for being unable to attend the meeting.

29.            The Committee noted that on 13.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of the Transport Department. This was the applicant’s first request for deferment.

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

**Agenda Item 7**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SLC/143                      Proposed Educational Institution in “Residential (Group C)” Zone,  
G/F, Units A to D, No. 22, Cheung Fu Street, Cheung Sha, Lantau  
Island (Lot No. 246 in D.D. 331)  
(RNTPC Paper No. A/SLC/143)

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31.                      The Secretary reported that LWK & Partners (HK) Ltd. was the consultant of the applicant. Mr Ivan C.S. Fu had declared an interest in this item as he was the director and shareholder of LWK. As the interest of Mr Fu was direct, the Committee agreed that he should leave the meeting temporarily for this item.

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

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed educational institution;
- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, 31 public comments were received. Three public comments submitted by the Director of Hong Kong Institute of Sinology Limited, a secondary school principal and the Indigenous Inhabitant Representative of Cheung Sha Upper Village supported the application as the proposed educational

institution could nurture world-class Sinologists who could share knowledge with the schools in the community; Chinese culture could be enhanced; and the proposed development would not generate adverse impacts on the area. 28 public comments mostly from local owners/residents objected to the application mainly on the grounds that the proposed educational institution was incompatible with the surrounding residential neighbourhood; the applicant did not provide any justification for departure from the planning intention; no service or benefit would be provided to the local residents; the approval might set an undesirable precedent; residents had legitimate expectation that Cheung Fu Street would remain as a residential area; the application would have implications on environment, drainage, sewerage, traffic and infrastructural aspects; and no technical assessments was submitted;

- (e) no local objection/view was received by the District Officer (Islands); and
- (f) the Planning Department (PlanD)'s views – PlanD did not support the application for reasons as detailed in paragraph 10 of the Paper. The proposed educational institution was not in line with the planning intention of the “Residential (Group C)” (“R(C)”) zone. The subject “R(C)” zone was a pure residential area with no similar application received. The proposed educational institution was considered not compatible with the residential nature of the neighbourhood. There was no strong planning justification provided for the proposed educational institution in a pure residential area. The proposed conversion of existing residential floor area to education use would result in reduction of sites available for residential use, and affect the supply of housing land in meeting the pressing housing demand over the territory. The approval of the application would set an undesirable precedent for similar applications in the area, and the cumulative effect of which would lead to degradation of the residential neighbourhood and aggravate the shortfall of housing land supply. Besides, there were public comments objecting to the application.

33. In response to the Chairman's question, Ms Donna Y.P. Tam said that an area

zoned “Government, Institution or Community” near Botanica Bay to the south of the application premises was for development of an electric sub-station to serve nearby residential development.

### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Residential (Group C)” zone which is primarily for low-rise and low-density residential developments. There is no strong planning justification in the submission for a departure from such planning intention; and
- (b) the approval of the application would set an undesirable precedent for other similar applications for non-residential uses in the area. The cumulative effect of approving such applications would lead to degradation of the residential neighbourhood and aggravate the shortfall in the supply of housing land.”

[The Chairman thanked Mrs Alice K.F. Mak and Ms Donna Y.P. Tam, STPs/SKIs, for their attendance to answer Members’ enquires. They left the meeting at this point.]

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

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

[Dr C.P. Lau, Dr W.K. Yau and Mr Ivan C.S. Fu returned to join the meeting at this point.]

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/494      Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 533 S.A ss.1, 533 S.B ss.1, 533 S.A RP and 533 S.B RP in D.D. 9, Yuen Leng, Tai Po  
(RNTPC Paper No. A/NE-KLH/494)

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**Presentation and Question Sessions**

35.            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 (NTEHs) - 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 rehabilitation of agricultural activities. Other concerned departments had no objection to or no adverse comment on the application;

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

- (d)    during the first three weeks of the statutory publication period, two public comments were received from Designing Hong Kong Limited which objected to the application mainly for reasons of being not in line with the planning intention of “Agriculture” zone; no environmental, traffic and sewage assessment submitted; affecting the availability of farmland; resulting in access and parking problems; and suspecting there was a

‘destroy first, develop later’ situation at the site. 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 12 of the Paper. The proposed Small House development was in line with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that more than 50% of the proposed Small House footprints falls within the village ‘environs’ and the proposed Small Houses within the Water Gathering Ground would be able to be connected to the planned sewerage system in the area. Regarding DAFC’s objection and public comments objecting to the application, the site was flat and paved without significant vegetation. The proposed Small House was not incompatible with the surrounding rural and village setting. Other concerned departments had no objection to or no adverse comments on the application.

36. Members had no question on the application.

#### Deliberation Session

37. Members noted that although there was sufficient land available within the “Village Type Development” zones to meet the outstanding Small House applications, they could not fully meet the future Small House demand. Apart from the Small House demand, the Committee would also take into account other considerations set out in the Interim Criteria. For the subject application, the site was in close proximity to other Small Houses which were previously approved by the Committee.

38. 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 21.8.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

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

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that if and after planning approval given by the Board, LandsD will process the Small House application. If the application is approved by LandsD acting in the capacity as landlord at his discretion, such approval will be subject to such terms and conditions as may be imposed by LandsD. There is no guarantee to the grant of a right of way to the Small House concerned or approval of the Emergency Vehicular Access thereto;
- (b) the applicants are 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;
- (c) to note the comments of the Director of Environmental Protection that actual construction of the houses shall not commence before the completion of the public sewerage system; the applicants shall connect the proposed Small Houses to the public sewer at their own cost; adequate land shall be

reserved for the future sewer connection work; and the applicants need to seek written consent from the adjacent lot owner(s) for laying and maintaining sewerage pipes across the adjacent lot(s);

- (d) to note the comments of the Chief Engineer/Consultants Management, Drainage Services Department (DSD) that the proposed Small Houses are located in proximity of the works limit of Contract No. DC/2012/04 – Sewerage in Kau Lung Hang San Wai, Kau Lung Hang Lo Wai and Tai Hang, which commenced in 2012 for completion by 2017. The sewer alignment may be fine-tuned during the course of construction to suit the actual site condition. If the proposed development is to be connected to the public sewerage, the applicants would need to construct a private sewer through various adjacent private lots;
- (e) to note the comments of the Chief Engineer/Mainland North, DSD that:
  - (i) there is no public drain in the vicinity of the site. The proposed development should have its own stormwater collection and discharge system to cater for the runoff generated within the site and overland flow from the surrounding of the site, e.g. surface channel of sufficient size along the perimeter of the site; sufficient openings should be provided at the bottom of the boundary wall/fence to allow surface runoff to pass through the site if boundary wall/fence is to be erected. Any existing flow path affected should be re-provided. The proposed development should neither obstruct overland flow nor adversely affect the existing natural streams, village drains, ditches and the adjacent areas. The applicants/owners are required to maintain such systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;
  - (ii) for works to be undertaken outside the lot boundary, prior consent

and agreement from LandsD and/or relevant private lot owners should be sought;

- (iii) the proposed drainage works, whether within or outside the site, should be constructed and maintained by the lot owners at their expense;
- (iv) there is no existing public sewerage in the vicinity of the site;
- (v) the applicants should note the following points for the sewerage connection proposal:
  - (1) a terminal manhole should be provided within the premises as near to lot boundary wherever possible prior foul water discharged to the public sewerage system. Details of the terminal manhole (including manhole type, invert level and disconnecting trap invert level) should be provided for his comment;
  - (2) the details (including size, pipe material and invert levels) of the proposed connection sewer between the terminal manhole and the government sewage manhole should also be provided. Moreover, the government sewage manhole which is to be connected with the proposed works should be indicated with DSD's annotation for his easy reference; and
  - (3) upon completion of the sewerage connection, an on-site technical audit will be carried out by DSD. The applicants should submit the application for technical audit (Form HBPI), the approved drainage plan and the technical audit fee to DSD at least two weeks before the technical audit;
- (f) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that:

- (i) since the proposed New Territories Exempted Houses (NTEHs)/Small Houses themselves are less than 30m from the nearest watercourse, the houses should be located as far away from the watercourse as possible;
  - (ii) the whole of foul effluent from the proposed NTEHs/Small Houses shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchboxes;
  - (iii) for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and
  - (iv) the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (g) to note the comments of the Director of Electrical and Mechanical Services that the applicants shall approach the electricity supplier for the requisition of cable plans (and/or overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicants shall carry out the following measures:
- (i) prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structures; and

- (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;
  
- (h) to note the comments of the Director of Fire Services that the applicants are reminded to observe ‘NTEHs – A Guide to Fire Safety Requirements’ published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; and
  
- (i) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) complies with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

**Agenda Item 9**

**Section 16 Application**

[Open Meeting]

A/NE-LT/542                      Proposed House (New Territories Exempted House) in “Agriculture”  
Zone, Lot 1573 in D.D. 8, Ma Po Mei, Tai Po  
(RNTPC Paper No. A/NE-LT/542)

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40.            The Committee noted that on 13.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information on drainage connection to address comments of the Drainage Services Department. This was the applicant’s first request for deferment.

41.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the

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

### **Agenda Item 10**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/554            Proposed Two Houses (New Territories Exempted Houses) in  
                                 "Agriculture" and "Green Belt" Zones, Lots No. 187 RP, 1204 and  
                                 1229 RP (Part) in D.D. 29 (to be known as Tai Po Town Lot No. 197),  
                                 Ting Kok Road, Tai Po  

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                                 (RNTPC Paper No. A/NE-TK/554)

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

42.            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 (NTEH));
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for rehabilitation of agricultural activities. The District Lands Officer/Tai Po advised that the applicant had building entitlement under the

respective lease conditions (i.e. Lot No. 1204 was a building lot and part of Lot No. 187 RP was allowed for house development), and his office had approved the redevelopment application of the lots. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 15 public comments objecting to the application were received. Designing Hong Kong Limited and an individual objected to the application mainly for reasons of not in line with the planning intention of the “Agriculture” (“AGR”) zone, adverse impact on the cycling track and no impact assessment on environment, landscape, traffic, drainage and sewerage. Other comments submitted by a Tai Po District Council Member, rural committees, village council, Heung representative, village representatives and six indigenous villagers objected to the application mainly on the ground of affecting the ‘fung shui’ burial ground and requested the Committee to respect the traditions of the indigenous villagers. 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 12 of the Paper, which were summarised as follows :
  - (i) the proposed NTEHs were not incompatible with the surrounding areas predominantly rural in character. The footprint of the proposed houses did not encroach onto the “Green Belt” (“GB”) zone. Concerned departments had no objection to or no adverse comment on the application. Thus, the proposed development was generally in compliance the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories and the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’;
  - (ii) the applicant had building entitlement under the respective lease

conditions. It had been an existing practice of the Committee to respect the development right of a site permitted under the lease should there be no adverse planning implications;

- (iii) the application was the subject of two approved previous applications for two NTEHs, with the latest permission (application No. A/NE-TK/193-2) lapsed on 16.6.2014. As the proposed NTEHs had been in an advanced stage and there had been no major change in the planning circumstances of the site since the granting of the last planning permission, sympathetic consideration might be given to this application; and
- (iv) regarding DAFC's objection and the public comments objecting to the application, government departments' comments and the planning assessment above were relevant. Besides, the 'fung shui' concern was not a planning issue.

43. In response to the Chairman's question on the location of burial ground that was mentioned in the public comments, Mr C.T. Lau said that the burial ground was located to the northeast of the site along the edge of "GB" zone as shown on Plan A-2 of the Paper.

44. In response to a Member's question, Ms Lily L.L. Chiu, Assistant Director/Regional 3 (Acting), Lands Department and Mr Lau said that Lot 187RP in D.D. 29 was under Block Government Lease (BGL) demised for agricultural and house uses, and there was no information on hand about the demarcation between the respective portions for agricultural and house uses.

#### Deliberation Session

45. In response to the Chairman's invitation, Ms Chiu said the schedule of BGL only listed out the land uses and sometimes the size of each lot. As such, the demarcation of various land uses and their respective areas might not be available for every lot. Referring to paragraph 10.1(d) of the Paper, the Secretary supplemented that the applicant's building entitlement was confined to 0.02 acre house land in Lot 187RP in D.D.29 and 390ft<sup>2</sup> building

land in Lot 1204 in DD 29 as advised by the District Lands Officer/Tai Po (DLO/TP).

46. A Member said that the advice from DLO/TP in paragraph 10.1(d) of the Paper that “By metric conversion, the applicant has almost utilized his house entitlement” was questionable as the proposed footprint of the NTEHs might have already exceeded the specification under the lease. The same Member further said that the precedent effect of approving the subject application would have to be considered carefully. Another Member considered that there would not be any precedent effect as there were two previous applications in relation to the site approved by the Committee.

47. While the site was surrounded by vegetated area without any similar applications approved in its vicinity, the Chairman said that Members might take account of the planning history of the site and the building entitlement of the applicant, and that the proposed development was already at an advanced stage as the redevelopment application of the lots was approved by LandsD in considering the subject application. As a general principle, the building entitlement of the private lots would be respected. He further said that while the proposed footprint of the subject NTEHs might not be the same as that stipulated under the lease, this could be dealt with at the lease modification stage. As such, sympathetic consideration might be given to this application. Members agreed.

48. 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 21.8.2019, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :

- “(a) the submission and implementation of a 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; and
- (c) the provision of access including run-in/out to the satisfaction of the Commissioner for Transport or of the TPB.”

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

- “(a) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that the applicant should provide mitigation measures at his own costs against any nuisance (e.g. noise, dust, etc.) from the road;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that :
  - (i) there is existing DSD maintained public drain in the vicinity of the site;
  - (ii) for works to be undertaken outside the site boundary, prior consent and agreement from the Lands Department (LandsD) and/or relevant private lot owners should be sought;
  - (iii) public sewerage connection is available in the vicinity of the site. The Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the proposed development; and
  - (iv) the applicant should follow the established procedures and requirements for the connecting sewer from the site to the public sewerage system. A connection proposal should be submitted to DSD via LandsD for approval beforehand. Moreover, the sewerage connection will be subject to the technical audit, for which an audit fee will be charged. The relevant guidelines can be downloaded from the DSD website at [www.dsd.gov.hk](http://www.dsd.gov.hk);
- (c) to note the comments of the Chief Engineer/Construction, Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable government water mains for connection. The applicant shall resolve any

land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;

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

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

### **Agenda Item 11**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/555            Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Lot 140 S.B ss.1 and 140 RP in D.D. 28, Lung Mei  
Tsuen, Tai Po  
(RNTPC Paper No. A/NE-TK/555)

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

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) - Small House);
- (c) departmental comments – departmental comments were set out in paragraph 10 and Appendix V of the Paper. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the landscape quality within and beyond the site was high and the area was sensitive to development. Approval of the application would set an undesirable precedent for site modification prior to application and encourage similar developments extending northward in the “Green Belt” (“GB”) zone, thus resulting in piecemeal developments destroying the high landscape quality of the Pat Sin Leng hill slope area. The Commissioner for Transport (C for T), in general, had reservation on the application and advised that such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, eight public comments were received from six individuals, Designing Hong Kong Limited and Green Sense objecting to the application mainly for reasons of being not in line with the planning intention of “GB” zone and the Town Planning Board Guidelines No. 10 (TPB PG-No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’, vegetation clearance, disturbance to nearby natural habitats, adverse ecological, geotechnical, water pollution and traffic impacts, and no impact assessments submitted. No local objection/view was received by the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)’s views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:

- (i) the proposed Small House development was not in line with the planning intention of “GB” zone;
- (ii) according to the record of the District Lands Officer/Tai Po, Lands Department, the total number of outstanding Small House applications for Lung Mei/Wong Chuk Tsuen and Tai Mei Tuk was 61 while the 10-year Small House demand forecast for the same villages was 211. Based on the latest estimate by PlanD, about 3.33 ha (or equivalent to about 133 Small House sites) of land were available within the “V” zone of concerned villages. While there was sufficient land available within “V” zone to meet the outstanding Small House applications, the land available could not fully meet the future Small House demand for about 5.28 ha of land which was equivalent to about 211 Small House sites;
- (iii) CTP/UD&L, PlanD objected to the application as the site and its surrounding area were covered with shrubs and trees in October 2014 which had now been cleared. The approval would set an undesirable precedent for site modification prior to application and encourage similar developments extending into the “GB” zone, thus resulting in piecemeal developments destroying the high landscape quality of the Pat Sin Leng hill slope area;
- (iv) the proposed development did not meet the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories (the Interim Criteria) in that it would cause adverse landscape impacts on the surrounding areas. The proposed development also did not comply with the TPB PG-No. 10 in that the proposed development involving tree felling and clearance of vegetation would result in deterioration of landscape quality in the subject “GB” zone; and
- (v) public comments against the proposed development were received.

51. Members had no question on the application.

### Deliberation Session

52. 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 is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone;
- (b) the proposed development does not comply with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development would involve clearance of existing natural vegetation and affect the existing natural landscape on the surrounding environment;
- (c) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that the proposed development would cause adverse landscape impacts on the surrounding areas; and
- (d) land is still available within the “Village Type Development” (“V”) zone of Lung Mei, Tai Mei Tuk and Wong Chuk Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development within “V” zone for more orderly development pattern, efficient use of land and provision of infrastructure and services.”

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-HLH/22            Proposed House (New Territories Exempted House - Small House) in  
“Agriculture” and “Village Type Development” Zones, Lots 453 S.A  
and 454 S.C in D.D.82, Chow Tin Tsuen, North District  
(RNTPC Paper No. A/NE-HLH/22)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House (NTEH) - Small House)
- (c)    departmental comments – departmental comments were set out in paragraph 9 and Appendix III of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural development point of view as the site was served by road and water supply and could be used for plant nursery or greenhouse. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view as the site was covered by tree clusters previously and it was noted that tree removal had taken place and disturbance to the landscape resources had occurred. The approval of the application would set an undesirable precedent to encourage applicants to modify the site condition before submitting planning applications. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, four public comments were received. A North District Council member supported the application as it was good for the villagers. The other three public comments from the Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and an individual objected to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; agricultural land should be retained to safeguard the potential agricultural activities; no environmental and traffic impact assessments had been submitted; vegetation clearance had been undertaken on-site; approval of the case was in contravention with the Government’s new agricultural policy under consultation; and the approval would set an undesirable precedent for similar applications. 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 11 of the Paper, which were summarised as follows:
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone and DAFC did not support the application from the perspective of agricultural development as the site possessed potential for agricultural rehabilitation;
  
  - (ii) CTP/UD&L, PlanD had reservation on the application as the site was previously covered by tree clusters but tree removal had subsequently been taken place leading to disturbance to the landscape resources. Approval of the application would set an undesirable precedent of encouraging the applicants to modify the site condition before submitting the planning applications;
  
  - (iii) the application did not meet the Interim Criteria for consideration of application for NTEH/Small House in New Territories in that although more than 50% of the footprint of the proposed Small

House fell within the village ‘environs’ of Chow Tin Tsuen, there was sufficient land in the “V” zone of the same village to meet the demand for Small House development. As land was still available within the “V” zone of Chow Tin Tsuen for Small House development, it was considered more appropriate to concentrate the proposed Small House close to the existing village cluster within the “V” zone for orderly development, efficient use of land and provision of infrastructures and services; and

- (iv) there were adverse public comments on the application.

54. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” zone in the Hung Lung Hang area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House/Small House in New Territories in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” zone of Chow Tin Tsuen; and
- (c) land is still available within the “Village Type Development” zone of Chow

Tin Tsuen which is primarily intended for Small House development. It is considered more appropriate to concentrate the proposed Small House development close to the existing village cluster for orderly development pattern, efficient use of land and provision of infrastructures and services.”

[Mr C.M. Hui left the meeting at this point.]

[Mr Lincoln L.H. Huang and Dr W.K. Yau returned to join the meeting at this point.]

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/515      Renewal of Planning Approval for Temporary Open Storage of Metals and Tools and Containers (for Office and Storage of Tools) for a Period of 3 Years in “Agriculture” Zone, Lot 1403 RP (Part) in D.D. 77, Ping Che, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/515)

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

56.            The Committee noted that a replacement page 1 of the Paper, revising the expiry date of the previous application No. A/NE-TKL/388, had been tabled at the meeting.

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary open storage of metals and tools and containers (for office and storage of tools) under previous application No. A/NE-TKL/388 for a period of three years;

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site (the closest one was located immediately south of the site at a distance of about 10m) and environment nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a North District Council member who had no specific comment on the application but stated that the nearby residents should be consulted. No local objection/view was received by the District Officer (North); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection, there had not been any substantiated environmental complaint in the past three years. To address DEP's concerns, approval conditions restricting the operation hours, prohibiting operation on Sundays / public holidays, and maintenance of peripheral fence on the site were recommended. The applicant would also be advised to follow the environmental mitigation measures as set out in the latest 'Code of Practice on Handling of the Environmental Aspects of Temporary Uses and Open Storage Sites'.

58. Members had no question on the application.

#### Deliberation Session

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

- “(a) no operation between 5:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained at all times during the planning approval period;
- (d) no medium and heavy goods vehicles exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (e) the existing trees and landscape plantings implemented under application No. A/NE-TKL/388 on the site shall be maintained at all times during the planning approval period;
- (f) the existing drainage facilities implemented under application No. A/NE-TKL/388 on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a condition record of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 7.12.2015;
- (h) the provision of fire extinguisher(s) within 6 weeks from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 19.10.2015;
- (i) the submission of proposals for water supplies for fire-fighting and fire service installations 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 7.3.2016;

- (j) the implementation of proposals for water supplies for fire-fighting and fire service installations within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 7.6.2016;
- (k) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (l) if any of the above planning conditions (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

“(a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) as follows:

- (i) there are unauthorized structures erected on the lot under application without prior approval from his office. The total built-over area of the aforesaid structures is larger than the one mentioned in the planning application. The aforesaid structures are not acceptable under the concerned lease. A portion of one (i.e. shade) of the aforesaid structures is found projected over the adjoining government land. The applicant shall demolish the said portion of the said structure (i.e. shade). His office reserves the right to take lease enforcement and land control actions against the irregularities; and
- (ii) the owner of the lot concerned has submitted an application to his office for a Short Term Waiver (STW), which is being processed by

his office and will be considered by LandsD acting in the capacity as landlord at its sole discretion. There is no guarantee that the application for STW will be approved. If the STW is approved, its commencement date would be backdated to the first date of occupation and it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by LandsD. If the STW is rejected, his office will take lease enforcement and land control actions against the aforesaid irregularities;

- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site is in an area where no public sewerage connection is available. The Environmental Protection Department (EPD) should be consulted regarding the sewage treatment/disposal facilities for the proposed development;
- (c) to note the comments of the Chief Engineer/Development (2), Water Supplies Department (WSD) as follows:
  - (i) an existing fresh water main is in close vicinity of the development. The cost of any necessary diversion, if required, shall be borne by the applicant. If diversion is not required, the applicant is required to protect the water main and no structure or material shall be allowed to be placed within 3m from the centreline on top of the water mains;
  - (ii) for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply, and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards; and

- (iii) the site is located within the flood pumping gathering ground;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the access roads adjoining the site are not maintained by HyD;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with 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 temporary converted containers for site office/storage are considered as temporary buildings and subject to control under Building (Planning) Regulations (B(P)R) Pt. VII. In connection with the above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the B(P)Rs respectively. If the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage. Detailed comments under the BO will be provided at the building plan submission stage;
- (f) to note the comments of the Director of Fire Services as follows:
  - (i) to address the approval condition on the provision of fire

extinguisher(s), the applicant is required to submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment Regulations (Chapter 95B) to Fire Services Department for compliance of condition;

- (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) and erected within the site, fire service installations (FSIs) will need to be installed. In such circumstances, except where building plan is circulated to the Centralized Processing System of BD, the applicant is required to send the relevant layout plans to the Fire Services Department incorporated with the proposed FSIs for approval. In preparing the submission, the applicant shall note that:
  - (a) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (b) the locations of the proposed FSIs and the access of emergency vehicles should be clearly marked on the layout plans; and
- (iii) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicant will need to subsequently provide such FSIs according to the approved proposal; and
- (g) to follow the environmental mitigation measures as set out in the latest ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by EPD in order to minimize any possible environmental nuisances.”

[The Chairman thanked Mr C.T. Lau and Mr Wallace W.K. Tang, STP/STN, for their attendance to answer Members’ enquires. They left the meeting at this point.]

**Fanling, Sheung Shui and Yuen Long East District**

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

**Agenda Item 14**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

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

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**Presentation and Question Sessions**

61.            With the aid of a Powerpoint presentation, Mr Otto K.C. Chan, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary shop and services and office use;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Commissioner for Transport (C for T) was unable to provide support from traffic engineering point of view. There was insufficient information in the submission to demonstrate that there was enough space within the site for manoeuvring of a container truck. The applicant should justify why no loading/unloading space would be provided. The operation of the proposed development required one vehicular run-in at Man Kam To Road and one vehicular run-out via a parcel of land to the north of the site. The applicant had not received

consent from the Lands Authority and other relevant land owners related to the proposed run in/out. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the application from the landscape planning perspective. The site was located immediately next to Man Kam To Road, green buffer could be provided to screen off the proposed uses. However, should the application be granted, the proposed layout had not reserved sufficient space along the eastern perimeter for such landscape treatment. The Project Manager/New Territories East of Civil Engineering and Development Department (PM/NTE, CEDD) had no objection to the application for the proposed use on the site for a period of two years until mid-2017. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, two public comments were received. One comment from a North District Council (NDC) member supported the application while the remaining comment from another NDC member indicated no comment on the application;
- (e) the District Officer (North) (DO(N)) received an objection to the application from the Chairman of Sheung Shui District Rural Committee on the grounds that the proposed development would bring adverse traffic and drainage impact to the local residents; and
- (f) PlanD's views – PlanD did not support the application for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows :
  - (i) the development under application was not in line with the planning intention of “Government, Institution or Community” (“G/IC”) zone. There was no strong justification given in the submission to justify a departure from the planning intention, even on a temporary basis;
  - (ii) C for T did not support the application from traffic engineering point of view as there was insufficient information to demonstrate enough

space within the site for manoeuvring of a container truck and to justify the nil provision of loading/unloading space, and the right of access of the site to Fu Tei Au Road and Man Kam To Road was not clear. The approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such applications would result in an adverse traffic impact on the surrounding areas;

- (iii) CTP/UD&L, PlanD also had reservation as the proposed layout had not reserved sufficient space along the eastern perimeter for landscape treatment to screen off the development; and
- (iv) there was an objection to the application from the Chairman of Sheung Shui District Rural Committee.

62. Members had no question on the application.

#### Deliberation Session

63. Noting that PM/NTE, CEDD had no objection to the proposed use on the site for a period of two years, the Chairman asked whether it was possible to grant a temporary permission for a shorter period so as to regulate the operation of the applied use. It was explained that the applicant had neither provided information to address the concerns raised by Transport Department (TD), nor information on the specific use of the proposed shop and services. According to the applicant, the estimated vehicular trip to/from the site would not exceed 20 times per day and the vehicles using the proposed shop and services would include private cars, 5.5 tons vehicles and container trucks.

64. In response to the Chairman's question on the feasibility of stipulating approval conditions to restrict long vehicles from entering the site so as to address the traffic concern, Mr Kelvin K.M. Siu, the Chief Traffic Engineer/New Territories West, Transport Department (TD), said that the applicant had not provided sufficient information to demonstrate that the proposed one-way vehicular access from Man Kam To Road to Fu Tai Au Road could be implemented since the applicant had not received consent from the Lands Authority and other

relevant land owners related to the proposed run in/out. It would be undesirable for vehicles to make U-turn within the site if the proposed one-way circulation could not be implemented. As such, TD was unable to support the application. A Member concurred and said that there seemed to be not enough circulation space for vehicles within the site since the proposed structures had occupied the central location of the site. Another Member noted that space might be available on the land adjoining the site for manoeuvring of vehicles as there was no physical demarcation between the two sites. The Committee agreed that the applicant failed to demonstrate the proposed development would not have adverse traffic impact.

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

- “(a) the development is not in line with the planning intention of the “Government, Institution or Community” zone which primarily for the provision of Government, institution or community facilities serving the needs of the local residents and a wider district, region or the territory. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the proposed development would not have adverse traffic impact; and
- (c) approval of the application would set an undesirable precedent for similar applications. The cumulative effect of approving such applications would result in an adverse traffic impact on the surrounding areas.”

**Agenda Item 15**

**Section 16 Application**

[Open Meeting]

A/KTN/16                      Temporary Medium Goods Vehicle and Container Tractor/Trailer Park for a Period of 3 Years in “Residential (Group B)”, “Government, Institution or Community” and “Green Belt” Zones and an area shown as 'Road', Lots 106 (Part), 108 (Part), 109 (Part), 110 (Part), 112 (Part), 113, 114, 115 (Part), 116 (Part), 117 (Part), 118 (Part), 119 (Part), 120 (Part), 122 (Part), 123 (Part), 165 S.A (Part) in D.D. 95 and adjoining Government Land, Ho Sheung Heung, Kwu Tung North, Sheung Shui (RNTPC Paper No. A/KTN/16)

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66.            The Committee noted that on 14.8.2015, the applicant requested for deferment of the consideration of the application in order to allow two months’ time to prepare further information to address the comments of the Transport Department. This was the applicant’s first request for deferment.

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

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/17                      Temporary Warehouses, Open Storage of Metal and Steel, Scrap Metal and Materials, Construction Materials and Miscellaneous Objects and Office for a Period of 3 Years in “Agriculture” and “Other Specified Uses” annotated “Amenity Area” Zones, Lot 542 S.A RP in D.D. 92, Castle Peak Road, Kwu Tung, Sheung Shui  
(RNTPC Paper No. A/KTN/17)

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**Presentation and Question Sessions**

68.            Mr Kevin C.P. Ng, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the temporary warehouses, open storage of metal and steel, scrap metal and materials, construction materials and miscellaneous objects 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 domestic structures in the vicinity of the site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural development point of view as the site, though paved, had high potential for agricultural rehabilitation noting active agricultural activities in the immediate vicinity of the site. Other concerned departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from a North District Council member expressing

no comment on the application;

- (e) the District Officer (North) (DO/N) conveyed an objection to the application from the Indigenous Inhabitant Representative (IIR) of Yin Kong on grounds that the scrap metal recycling centre, warehouse and vehicle repair workshop uses to the south-east of Yin Kong Village had already created nuisances to the residents. Approval of the application would generate adverse impact on the local environment; and
- (f) 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 made in paragraph 12 of the Paper. Regarding DAFC's objection, it should be noted that the site had already been formed and had been used for warehouse, open storage and loading/unloading under previously approved schemes. Regarding DEP's objection and the public objection conveyed by DO(N) on environmental grounds, there was no environmental complaint received in the past 3 years. To address environmental concerns, it was recommended to stipulate relevant approval conditions restricting the operating hours, types of vehicles allowed and activities within the site. The applicant would also be advised to undertake environmental mitigation measures as set out in the 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' in order to alleviate any potential environmental impacts.

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

69. Members had no question on the application.

#### Deliberation Session

70. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 5:30 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicle exceeding 24 tonnes, as proposed by the applicant, is allowed to enter/exit the site at any time during the planning approval period;
- (d) the stacking height of the materials stored within five metres of the periphery of the site shall not exceed the height of the boundary fence at any time during the planning approval period;
- (e) no workshop activities should be carried out within the site during the planning approval period;
- (f) the approved Emergency Vehicular Access within the site shall not be obstructed at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be properly maintained and rectified if found inadequate/ineffective during operation at all time during the planning approval period;
- (h) the submission of a conditional record of the existing drainage facilities on site as previously implemented on the same site in the planning application No. A/NE-KTN/158 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2015;
- (i) the provision of fire extinguishers within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 2.10.2015;

- (j) the submission of proposals for fire service installations and water supplies for firefighting within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2016;
- (k) in relation to (j) above, the implementation of proposals for fire service installations and water supplies for firefighting within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2016;
- (l) 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 21.2.2016;
- (m) in relation to (l) 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 21.5.2016;
- (n) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (h), (i), (j), (k), (l) or (m) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

“(a) to note the comments of the District Lands Officer/North, Lands Department (LandsD) as follows:

- (i) there are structures erected on the lot concerned. The total built-over area of the aforesaid structures is larger than both the

maximum permitted site coverage stipulated in Short Term Waiver (STW) No. 1070 and the one mentioned in the planning application. The unauthorized structures are not acceptable under the concerned Lease and STW No. 1070. His office will take enforcement actions against the irregularities; and

- (ii) the owner of the lot concerned shall apply to his office for modification of STW No. 1070 to regularize the irregularities and cover all structures erected or to be erected on the lot. The application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that the application will be approved. If the application is approved, it will be subject to such terms and conditions to be imposed including payment of waiver fee and administrative fee as considered appropriate by LandsD;
  
- (b) to note the comments of the Commissioner for Transport that the local track leading to the site is not managed by the Transport Department. The land status, management and maintenance responsibilities of the local track should be clarified with the relevant lands and maintenance authorities accordingly;
  
- (c) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department (HyD) that the small section of branch or road connecting the lot concerned and the main carriageway of Castle Peak Road – Kwu Tung is not maintained by HyD and is within unallocated government land (UGL). The applicant should apply to lands authority for obtaining the right to use this UGL as the lot's access and taking up maintenance responsibility;
  
- (d) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the site is located within flood pumping gathering ground;
  
- (e) to note the comments of the Director of Fire Services that detailed fire

safety requirements will be formulated upon receipt of formal submission of general building plans and his recommendations regarding fire service installations (FSIs) proposals:

- (i) to submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to Fire Services Department (FSD) for compliance of condition (i);
  - (ii) if the covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, FSIs will need to be installed; and
  - (iii) if no building plan will be circulated to FSD via the Centralized Processing System of Buildings Department (BD), the applicant is required to submit relevant layout plans to FSD (address: Planning Group, 9/F, No. 1 Hong Chong Road, Fire Services Headquarters Building, Kowloon) incorporated with the proposed FSIs for approval and to subsequently provide the FSIs according to the approved proposal. In preparing the submission, the applicant should note that:
    - (1) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
    - (2) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, BD as follows:
- (i) the temporary converted containers for site office/storage are considered as temporary buildings and are subject to control under the Building (Planning) Regulations (B(P)Rs) Pt. VII;

- (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent from BD should be obtained, otherwise they are Unauthorized Building Works. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (iii) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the B(P)Rs respectively; and
- (iv) detailed comments under the BO will be provided at building plan submission stage;
- (g) to note the comments of the Project Manager (New Territories East), Civil Engineering and Development Department that the site is slightly encroached into the “Other Specified Uses” annotated “Amenity Area” zone and may be required to be resumed for New Development Area (NDA) construction in the remaining package stage. Any structure in the overlapping area may be demolished for NDA construction; and
- (h) 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’ issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area.”

[Mr Lincoln L.H. Huang returned to join the meeting at this point.]

**Agenda Item 17**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/671      Renewal of Planning Approval for Temporary Vegetable Collection Station for a Period of 3 Years in “Village Type Development” Zone, Lot 365 S.A in D.D. 106, 173 Shek Wu Tong Tsuen, Kam Sheung Road, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/671)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the renewal of planning approval for temporary vegetable collection station under previous application No. A/YL-KTS/568 for a period of three years;
- (c)    departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e)    the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. The application was in line with the Town Planning Board Guidelines No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

73. Members had no question on the application.

Deliberation Session

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

- “(a) no operation between 11:30 a.m. and 7:30 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no medium or heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (c) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (d) the submission of a record of the existing drainage facilities on the site within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 8.3.2016;
- (e) the implementation of the accepted fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 8.3.2016;
- (f) if any of the above planning conditions (a), (b) or (c) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) to note the comments of the District Lands Officer/Yuen Long that the site comprises an Old Schedule Agricultural Lot held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without prior approval of the Government. The site is accessible to Shek Tin Road via government land (GL). His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The lot owner will need to apply to his office to permit additional/excessive structures to be erected or regularize any irregularities on-site. Such application will be considered by the Lands Department (LandsD) acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions including among others the payment of premium or fee, as may be imposed by LandsD;
- (b) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
- (c) to note the comments of the Commissioner for Transport that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of the local access road should be checked with LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities

accordingly. Drivers should drive slowly with great care, particularly when there is an opposing stream of traffic on the local road;

- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that Shek Tin Road is not under HyD's maintenance. The applicant should construct a run-in/out at the access point at Shek Tin Road in accordance with the latest version of Highways Standard Drawing No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains;
- (e) to note the comments of the Director of Fire Services (D of FS) that the applicant should be advised that the installation / maintenance / modification / repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the maintenance / modification / repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS for consideration; and
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including store room, office and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained. Otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. In this connection, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with

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

### **Agenda Item 18**

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

[Open Meeting]

Y/YL-NSW/3                      Application for Amendment to the Approved Nam Sang Wai Outline Zoning Plan No. S/YL-NSW/8, To rezone the application site from "Open Storage" to "Commercial", Lot 1743 S.C RP (Part) in D.D. 107 to the south of Wing Kei Tsuen, Yuen Long  
(RNTPC Paper No. Y/YL-NSW/3B)

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76.            The Secretary reported that the application was submitted by Bright Strong Limited, which was a subsidiary of Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Company Ltd. (AECOM), AGC Design Ltd. (AGC), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were the consultants of the applicant. The following Members had declared interests in this item:

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

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

Ms Christina M. Lee     - being Secretary-General of the Hong Kong

Metropolitan Sports Events Association that had obtained sponsorship from SHK;

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

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

77. The applicant had requested for deferment of consideration of the application. The Committee agreed that Mr Fu could stay in the meeting but should refrain from participating in the discussion. As the interest of Dr Yau was indirect and Professor Wong had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting.

78. The Committee noted that on 5.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time to prepare further information to address departmental comments and public comments received. This was the applicant's third request for deferment.

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

Committee agreed to advise the applicant that the Committee had allowed a total of six months including the previous deferments for preparation of submission of further information, and no further deferment would be granted unless under very special circumstances.

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting]

A/YL-MP/245            Proposed School (Kindergarten) in “Village Type Development” Zone, Lots 2261 S.S RP (Part), 2261 S.S ss.8 (Part), 2262 RP (Part), 2265 S.A, 2265 S.B, 2265 S.C, 2265 S.D and 2265 S.E RP (Part) in D.D. 104, Ha San Wai, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/245)

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80.            The Committee noted that on 5.8.2015, the applicant requested for deferment of the consideration of the application for one month so as to allow time for preparation of responses to address comments from the Environmental Protection Department. This was the applicant’s first request for deferment.

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

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/241 Proposed Comprehensive Development of an Outlet Mall with Commercial Uses (Including ‘Shop and Services’ and ‘Eating Place’), ‘Agricultural Use’ (Commercial Fish Ponds), ‘Excavation of Land’ and ‘Filling of Land’ in “Other Specified Uses” annotated “Comprehensive Development to include Wetland Restoration Area” Zone, Lots 8 RP (Part), 14 S.B RP (Part), 45 and 1740 S.A RP in D.D.107 and Adjoining Government Land, South of Pok Wai and Wing Kei Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-NSW/241)

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82. The Secretary reported that the application was submitted by King Garden Ltd. which was related to Sun Hung Kai Properties Ltd. (SHK). AECOM Asia Company Ltd. (AECOM), AGC Design Ltd. (AGC), Environ Hong Kong Ltd. (Environ) and Urbis Ltd. (Urbis) were the consultants of the applicant. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with SHK, AECOM, AGC, Environ and Urbis;
- Ms Janice W.M. Lai - having current business dealings with SHK, AECOM, Environ and Urbis;
- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association that had obtained sponsorship from SHK;
- Dr W.K. Yau - being an operation agent of a community building lighting and energy improvement project which had obtained sponsorship from SHK; and

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

83. The applicant had requested for deferment of consideration of the application. As the interest of Dr Yau was indirect and Professor Wong had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Mr Fu had left the meeting temporarily, and Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting.

84. The Committee noted that on 5.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address departmental comments. This was the applicant's first request for deferment.

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

[Mr Martin W.C. Kwan and Mr Ivan C.S. Fu returned to join the meeting at this point.]

**Agenda Item 21**

**Section 16 Application**

[Open Meeting]

A/YL-NSW/242 Proposed Comprehensive Development with Wetland Enhancement (including House, Flat, Wetland Enhancement Area, Nature Reserve, Visitors Centre, Social Welfare Facility, Shop and Services) as well as Filling of Land/Pond and Excavation of Land in “Other Specified Uses” annotated “Comprehensive Development and Wetland Enhancement Area 1” and “Site of Special Scientific Interest (1)” Zones, Lots 1520 RP, 1534 and 1604 in D.D.123 and adjoining Government Land, Nam Sang Wai and Lut Chau, Yuen Long (RNTPC Paper No. A/YL-NSW/242)

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86. The Secretary reported that the application was submitted by Kleener Investment Ltd., Nam Sang Wai Development Company Ltd., Community Wetland Park Foundation Ltd. and Lut Chau Nature Reserve Foundation Ltd., with the first two being subsidiaries of Henderson Land Development Company Ltd. (HLD). Masterplan Ltd. (Masterplan), AECOM Asia Company Ltd. (AECOM), LWK & Partners (HK) Ltd. (LWK), MVA Hong Kong Ltd. (MVA) and Urbis Ltd. (Urbis) were the consultants of the applicants. The following Members had declared interests in this item:

- Mr Ivan C.S. Fu - having current business dealings with HLD, Masterplan, AECOM, MVA and Urbis;
- being the director and shareholder of LWK;
- Ms Janice W.M. Lai - having current business dealings with HLD and AECOM;
- Ms Christina M. Lee - being Secretary-General of the Hong Kong Metropolitan Sports Events Association which had received sponsorship from HLD;

- Dr W.K. Yau - being a Director of a non-governmental organization which had received a donation from HLD;
- Professor K.C. Chau - being an employee of the Chinese University of Hong Kong which had received a donation from a family member of the Chairman of HLD;
- Mr H.F. Leung - being an employee of the University of Hong Kong (HKU) which had received a donation from a family member of the Chairman of HLD;
- Mr Peter K.T. Yuen - being a member of the Board of Governors of the Hong Kong Arts Centre which had received a donation from the Executive Director of HLD;
- Professor S.C. Wong - having current business dealings with AECOM;
- being an employee of HKU which had received a donation from a family member of the Chairman of HLD; and
  - being the Chair Professor and Head of Department of Civil Engineering of HKU where AECOM had sponsored some activities of the Department.

87. The applicants had requested for deferment of consideration of the application. The Committee agreed that Mr Fu could stay in the meeting but should refrain from participating in the discussion. As the interests of Dr Yau, Professor Chau, Mr Leung and Mr Yuen were indirect, and Professor Wong had no involvement in the application, the Committee agreed that they could stay in the meeting. The Committee noted that Ms Lai and Ms Lee had tendered apologies for being unable to attend the meeting.

88. The Committee noted that on 7.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of

further information to address departmental comments. This was the applicant's first request for deferment.

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting]

A/YL-NTM/324 Proposed Social Welfare Facility (Residential Care Home for the Elderly) and Minor Relaxation of Plot Ratio and Building Height Restriction in "Residential (Group D)" Zone, Lots 2545, 2546, 2547, 2548, 2543 RP, 2544 RP, 2549 RP in D.D 104, Sheung Chuk Yuen, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/324)

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90. The Committee noted that on 6.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant government departments. This was the applicant's first request for deferment.

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

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

[The Chairman thanked Mr Otto K.C. Chan, Mr Kevin C.P. Ng and Mr Kepler S.Y. Yuen, STPs/FSYLE, for their attendance to answer Members' enquires. They left the meeting at this point.]

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

[Mr David C.M. Lam, District Planning Officer/Tuen Mun and Yuen Long West (DPO/TMYLW), Ms Jessica Y.C. Ho, Mr K.C. Kan and Ms Bonita K.K. Ho, Senior Town Planners/Tuen Mun and Yuen Long West (STPs/TMYLW), and Mr Raymond W.M. Leung, Town Planner/Tuen Mun and Yuen Long West (TP/TMYLW), were invited to the meeting at this point.]

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM/465                      Proposed Columbarium in "Government, Institution or Community"  
Zone, G/F in Tai Hak Tin Temple within Lin Chi Ching Yuen, Lot  
1197(Part) in D.D. 131, Tsing Shan Tsuen, Yeung Tsing Road, Tuen  
Mun  
(RNTPC Paper No. A/TM/465C)

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92.            Mr David C.M. Lam, DPO/TMYLW, reported that on 12.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow

time for addressing the comments of the Transport Department and the Police. This was the applicant's fourth request for deferment. The Planning Department did not support the request for deferment since the application had been deferred three times and the applicant had been advised that no further deferment would be granted. The applicant was well aware of the technical requirements and departments' concerns on both traffic and pedestrian safety aspects, and should have adequate time to resolve these issues. There was no reasonable ground for the request for deferment. The deferment request was submitted together with the Paper to the Committee for consideration.

### Deliberation Session

93. After deliberation, the Committee decided not to agree to the applicant's request for deferment. Members then went through the reason for rejection as stated in paragraph 2.2 of the Paper and considered that it was appropriate. The reason was :

“The application has been deferred three times at the request of the applicant and a total of six months have been allowed for submission of further information for deferment. The applicant is well aware of the technical requirements and departments' concerns on both traffic and pedestrian safety aspects, and should have adequate time to resolve these issues. There is no reasonable ground for the request for deferment.”

94. The Committee agreed to proceed with the consideration of the application itself at this meeting.

### Presentation and Question Sessions

95. Ms Jessica Y.C. Ho, STP/TMYLW, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed columbarium at G/F in Tai Hak Tin Temple within Lin Chi Ching Yuen (LCCY);

- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper, which were summarised as follows:
- (i) without provision of a detailed assessment on traffic related issues, the Commissioner for Transport (C for T) did not agree with the conclusion given in the traffic impact assessment (TIA) that the potential traffic impact to be induced by the proposed development was not significant and would not pose adverse traffic impacts on the road network in the vicinity of the site. He had concerns on the TIA regarding the need to provide a traffic and crowd management plan (TCMP) for the proposed columbarium development, the coordination with the TCMP of the adjacent columbarium development called Shan Guo, the provision of loading/unloading spaces for the proposed shuttle bus services, and various assumptions made in the TIA;
  - (ii) the Commissioner of Police (C of P) advised that the narrow footpaths, which were the only accesses to the site, would be hard to accommodate a huge amount of grave sweepers. He had doubt on the ability of the applicant to have control on the visitors to strictly comply with the visiting schedule. There was also no crowd management plan on the footpaths in the TIA. Besides, Wan Shan Road, where the footpaths were connected to, was narrow without passing bay. Serious traffic jam was foreseen during the festival days. Moreover, the submitted TIA basing on the approved TCMP of Shan Guo was not feasible since that TCMP had not taken account of the proposed columbarium development. Furthermore, the proposed drop-off/pick-up area for the subject columbarium on the major vehicular passage in Yeung Tsing Road would slow down the traffic flow. Also, the proposal of allowing vehicles/shuttle buses to turn around at the junction of Yeung Tsing Road and Wan Shan Road would cause serious traffic congestion and make it difficult for rescue during emergency. There was no contingency plan for emergency submitted by the applicant; and

- (iii) other concerned departments had no objection to or no adverse comment on the application;
  
- (d) during the first three weeks of the statutory publication period, a total of 600 public comments were received. 88 supporting comments were received from individuals mainly on grounds of the appropriateness of placing niches inside the subject religious institution, no adverse visual, traffic and air pollution impacts created, easily accessed by public transport, long waiting time for niches provided by the Government, as well as the availability of a special traffic arrangement in Tsing Shan Tsuen during the Ching Ming and Chung Yeung festivals. 512 objecting comments were received from the Incorporated Owners of the Richie House, three Tuen Mun District Council Members; village representatives of Tsing Shan Tsuen and Yeung Siu Hang Tsuen, Designing Hong Kong Limited and individuals. They objected to the application mainly on the grounds that the applicant would use government and private land nearby for columbarium; the proposed columbarium would cause traffic, environmental, safety and health problems; no emergency vehicular access could be provided at the site making rescue works during accidents extremely challenging; the applicant failed to prove that the proposed traffic arrangement was practicable during Ching Ming and Chung Yeung festivals; and the Government had already had its plan to build columbarium in Tsang Tsui;
  
- (e) the District Officer/Tuen Mun (DO/TM) advised that the subject columbarium was located in the vicinity of Tsing Shan Tsuen which already housed several large-scale columbaria in the area. The residents in Tsing Shan Tsuen had raised objection to similar applications for columbarium use before. It was anticipated that the local concerned would object to the application on the grounds of adverse traffic impact and environmental nuisance arisen from the subject columbarium with 1,220 niches. Noting that there would be special traffic arrangement on festival days including temporary road closure, he considered that impacts, if any, on the locals should be minimised and trusted that the public would be duly

informed/consulted should there be any temporary traffic arrangement;

- (f) the Planning Department (PlanD)'s views – PlanD did not support the applications for reasons as detailed in paragraph 12 of the Paper, which were summarised as follows:
- (i) the proposed development did not comply with the Town Planning Board Guidelines No. 16 for 'Application for Development/Redevelopment within "Government, Institution or Community" ("G/IC") Zone for Uses other than G/IC Uses under Section 16 of the Town Planning Ordinance (TPB PG-No. 16) in that the applicant failed to demonstrate the proposed columbarium use would not cause adverse traffic impact on the surrounding area;
  - (ii) the site was situated on mid-level with no provision of vehicular access, car parking space, pick-up, drop-off and loading/unloading bays. The site could only be accessed via footpaths of about 1.2m wide and with a level difference of about 17m from Yeung Tsing Road and 15m from Wan Shan Road. C of P had concerns on the capability of the footpaths to accommodate the grave sweepers and absence of crowd management plan, and the capability of the Shan Guo's TCMP to cope with the additional traffic and pedestrian flow generated from the columbarium development;
  - (iii) C for T did not agree with the conclusion of the TIA that the traffic impact induced by the proposed development was not significant and would not pose adverse traffic impacts to the road network in the vicinity of the site. He had various concerns on the TIA such as the provision of loading/unloading spaces for the proposed shuttle bus services and assumptions made in the TIA;
  - (iv) the suitability of the concerned structures for columbarium use could not be ascertained as the structures were suspected to be unauthorised under the Buildings Ordinance; and

- (v) among 600 public comments received, 512 comments objected to the application.

96. Members had no question on the application.

#### Deliberation Session

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

“the applicant fails to demonstrate that the potential pedestrian safety issue and traffic impacts associated with the proposed columbarium can be satisfactorily addressed.”

#### **Agenda Item 24**

##### Section 16 Application

[Open Meeting]

A/YL-HT/967      Proposed Temporary Recyclable Collection Centre (Including Plastics and Metals) for a Period of 3 Years in “Agriculture” and “Green Belt” Zones, Lots 550 S.A & S.B (Part), 558 S.A (Part), 558 S.B ss1. S.A, 558 S.B ss.1 RP, 558 S.B ss.2 (Part), 559 (Part), 561 S.A (Part), 561 S.B ss.1 (Part), 561 S.B ss.2 (Part) in D.D.128 and adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/967)

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98. The Committee noted that on 6.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of responses to address comments from the Environmental Protection Department. This was the applicant’s first request for deferment.

99. After deliberation, the Committee decided to defer a decision on the application

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

### **Agenda Item 25**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/277            Temporary Open Storage of Construction Materials for a Period of 3  
Years in "Residential (Group E)" Zone, Lots 2189 RP and 2378 RP  
(Part) in D.D. 129 and Adjoining Government Land, Lau Fau Shan,  
Yuen Long  
(RNTPC Paper No. A/YL-LFS/277)

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

100.            Mr Raymond W.M. Leung, TP/TMYLW, 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 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 the development involved traffic

of heavy vehicles and there were sensitive receivers of residential uses within 100m from the site boundary or such traffic was expected to travel along access road within 50m from residential dwelling. Environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (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 made in paragraph 12 of the Paper. Regarding DEP's objection, there was no substantiated environmental complaint against the site over the past 3 years. Approval conditions restricting operation time, stacking height, location of open storage, activities undertaken, types of vehicles using the site as well as requiring the erection of boundary fencing had been proposed to mitigate any potential environmental impacts. Besides, the applicant would be advised to follow the revised "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize the possible environmental impacts on the nearby sensitive receivers.

101. Members had no question on the application.

#### Deliberation Session

102. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of the materials stored shall not exceed the height of the boundary fence, as proposed by the applicant, at any time during the planning approval period;
- (d) no open storage is allowed within 1m of any tree on the site, as proposed by the applicant, at any time during the planning approval period;
- (e) no repairing, cleaning, dismantling and workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (f) no vehicle exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle and container vehicle/trailer/tractor, as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (g) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (h) the existing fencing on-site shall be maintained at all times during the planning approval period;
- (i) the existing drainage facilities on-site shall be maintained at all times during the planning approval period;
- (j) the submission of record of the existing drainage facilities within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 21.11.2015;
- (k) the submission of a 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 21.2.2016;

- (l) in relation to (k) above, the implementation of the accepted 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 21.5.2016;
- (m) 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 2.10.2015;
- (n) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2016;
- (o) in relation to (n) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.5.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h) or (i) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (j), (k), (l), (m), (n) or (o) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (r) upon expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

the applied use at the site;

- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site is situated on Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The pieces of private land of Lots Nos. 2189 RP and 2378 RP in D.D. 129 are covered by Short Term Waiver (STW) Nos. 3555 and 3556 permitting structures for the purpose of “Ancillary use to open storage of construction materials”. No permission is given for occupation of government land (GL) (about 50m<sup>2</sup> subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL without Government’s prior approval should not be encouraged. The site is accessible to Lau Fau Shan Road through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way. The site does not fall within any Airfield Height Restriction Area. The STW holders will need to apply to his office for modification of the STW conditions to regularize any irregularities on site. Besides, Short Term Tenancy application for occupation of GL is required. Such application(s) will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (d) to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department to minimize any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring space should be provided within the site;

- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should construct a run-in/out at the road near Lau Fau Shan Road in accordance with the latest Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set is appropriate to match with the existing adjacent pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Lau Fau Shan Road;
  
- (g) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to Fire Services Department (FSD) 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; and attached good practice guidelines for open storage should be adhered to. To address this approval condition, the applicant is advised to submit a valid fire certificate (FS 251) to FSD for approval. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site and BD is not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of BD, they are unauthorized under BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers and open storage sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized

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

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/298 Proposed School (Kindergarten cum Child Care Centre) in  
“Comprehensive Development Area” Zone, Shops A, B and C, Ground  
Floor, The Sherwood, 8 Fuk Hang Tsuen Road, Lam Tei, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/298A)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed school (kindergarten cum child care centre);
- (c) departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Commissioner for Transport (C for T) was unable to support the application from traffic engineering viewpoints. One nearby lay-by had been fully occupied (especially during peak hours) while another nearby lay-by had been occupied over 50%. The remaining space of the lay-by did not meet the demand of the proposed school. The pick-up/drop-off activities solely relying on the existing roadside lay-by was not acceptable. The applicant proposed the mandatory bus scheme and considered the pick-up/drop-off activities could be completed within 30 minutes before the school start time and after the school dismissal time. However, the assumptions made were questionable and the applicant had not considered the queuing effect of the school buses which would have great traffic impact on Fuk Hang Tsuen Road. The reliability and efficacy of this scheme were uncertain. The proposed school would worsen the busy traffic condition and cause traffic congestion at Fuk Hang Tsuen Road. The Commissioner of Police (C of P) advised that five cases of traffic complaints against illegal parking near the application premises since September 2014, and increased congestion was expected at the beginning of the new school year. The capacity of the access road and the potential effects on road safety remained his prime concern. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, eight public comments were received objecting to the application from a member of the Tuen Mun District Council, the Owners' Committee of The Sherwood, the village representative of Fuk Hang Tsuen (Lower) and four individuals/residents. Their major grounds of rejection included the proposed school would generate additional traffic to the local road network and worsen the existing congestion on Fuk Hang Tsuen Road in particular during the drop off/pick up peaks of the existing kindergarten; Fuk Hang Tsuen Road was also frequented by heavy vehicles; and the safety of road users and pedestrians were endangered. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the

application for reasons as detailed in paragraph 11 of the Paper. C for T did not support the application as the assumptions in the mandatory bus scheme calculations were questionable and the applicant failed to consider the queuing effect of the school buses which would have great impact on the existing traffic condition of Fuk Hang Tsuen Road. Also, the mandatory bus scheme might not be enforceable. The proposed development would impose additional traffic loading on the existing busy traffic and might result in serious traffic congestion along Fuk Hang Tsuen Road. C of P also had concern on the increased congestion at the beginning of the new school year and the potential effects on road safety. In this regard, the applicant failed to demonstrate that the proposed development would not cause adverse traffic impact on Fuk Hang Tsuen Road. Besides, there were eight objecting public comments received.

105. In response to Chairman's question on the planned provision of kindergarten to serve the population in the vicinity of the site, Mr K.C. Kan said that as specified in the lease of Lot 2860 RP in D.D. 130 where the premises fell within, a kindergarten having a total gross floor area (GFA) of not less than 640 m<sup>2</sup> and comprising not less than 6 classrooms, as well as a day nursery having a total GFA of not less than 340 m<sup>2</sup> and comprising not less than 70 places should be provided. There was no known requirement to increase the provision of kindergarten in the area.

#### Deliberation Session

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

“the applicant fails to demonstrate that the proposed development would not cause adverse traffic impact on Fuk Hang Tsuen Road.”

**Agenda Item 27**

**Section 12A Application**

[Open Meeting]

Y/YL-TYST/6            Application for Amendment to the Approved Tong Yan San Tsuen Outline Zoning Plan No. S/YL-TYST/10, To rezone the application site from “Government, Institution or Community” to “Residential (Group B)1”, Lots 533 S.C (Part), 542 (Part), 543 RP (Part), 544 (Part) and 1944 (Part) in D.D.121, Tong Yan San Tsuen, Yuen Long (RNTPC Paper No. Y/YL-TYST/6A)

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107.            The Committee noted that on 12.8.2015, the applicant requested for further deferment of the consideration of the application for another two months so as to allow time for the applicant to sort out the issue on the reprovisioning of the existing pedestrian access leading to the adjoining site which was currently occupied by a monastery, namely Kam Lan Koon (KLK) and to solicit the views of KLK on the finalization of the indicative Master Layout Plan for carrying out pertinent technical assessments. This was the applicant’s second request for deferment.

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

**Agenda Item 28**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/352            Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles for a Period of 3 Years in “Village Type Development” and “Agriculture” Zones, Lots 1241 RP (Part), 1242 RP (Part), 1243, 1244 RP (Part), 1248 (Part), 1249, 1250, 1251 (Part), 1252 RP (Part), 1327 (Part), 1328 (Part), 1333 (Part), 1334 (Part) and 1335 (Part) in D.D. 117 and Adjoining Government Land, Tai Tong Tsuen, Yuen Long (RNTPC Paper No. A/YL-TT/352)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
  
- (b)    the temporary public vehicle park for private cars and light goods vehicles for a period of three years;
  
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape planning point of view. With reference to the aerial photo dated 30.6.2013, the site was mostly vegetated and trees were found within the northern part of the site. However, based on the aerial photo dated 15.8.2014, the site was formed without significant vegetation. The approval of the application might set an undesirable precedent to encourage the applicants to modify the sites before planning applications and thus erode the rural landscape character. Besides, only one row of trees was proposed along the perimeter of the site. There was inadequate green buffer to the surrounding area and planting opportunity

within the site had not been explored. The Director of Environmental Protection (DEP) advised that there were 6 substantiated environmental complaints received in 2013 and 2014 related to landfilling activities/flytipping of construction and demolition waste covering a much larger area including the site and its vicinity. Other concerned departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, 11 public comments were received. A Yuen Long District Council Member commented that the capacity of local road network to cater for the additional traffic from the proposed vehicle park should be duly considered. Six comments from private individuals and local residents objected to the application mainly on environmental (e.g. noise and dust nuisances), traffic (e.g. traffic flow and ingress/egress points), drainage, personal health and well-being, pedestrian/road safety grounds. In particular, one commenter alleged that the existing pavement, lamp post and water pipes near one of the local tracks leading to the site were damaged by the vehicles going in/out of the site. The remaining 4 commenters, namely the New Territories Warehouse and Logistics Business Association, Shap Pat Heung Rural Committee, village representative of Tai Tong Tsuen and Shap Pat Heung District Resident Association, supported the application mainly on the consideration that the vehicle park could serve both local residents and visitors and meet the parking demand in the Tai Tong area. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of three years based on the assessments made in paragraph 11 of the Paper. The public vehicle park was considered not incompatible with the surrounding areas. Concerned government departments had no objection to or no adverse comments on the application. Regarding the reservation from CTP/UD&L of PlanD on the application, the concerns on the landscape aspect could be addressed by imposing approval conditions requiring the submission and implementation of landscape proposal. On the previous environmental complaints on land

filling/flytipping of construction and demolition waste on the site, it was noted that the applied use was a vehicle park and not related to the subject of these complaints. Other technical concerns on the traffic, environmental, drainage, pedestrian safety and fire safety aspects could also be addressed by imposing relevant approval conditions. Regarding the objecting public comments received, the planning considerations and assessments above were relevant.

110. Noting that some public commenters objected to the application on grounds of noise nuisance created by the applied use, the Chairman asked how the noise nuisance could be mitigated. A Member also said that heavy good vehicles (HGVs) were already found within the site as shown on the site photos, and asked how effective it would be to restrict HGVs from using the site. In response, Mr David C.M. Lam, DPO/TMYLW, said that approval conditions on operation hours and types of vehicles to be parked were recommended in paragraphs 12.2 (a) and (b) of the Paper. PlanD would undertake site inspection to check if the approval conditions were complied with during the planning approval period. Non-compliance with any of the approval conditions would result in revocation of the planning permission and any unauthorised development on-site would be subject to enforcement action by the Planning Authority.

#### Deliberation Session

111. Members noted that PlanD would undertake site inspection on an ad hoc basis to make sure that the approval conditions were complied with during the planning approval period. The applicant would also be advised to take immediate action to discontinue development/uses on the site not covered by the planning permission should the application be approved. Any non-compliance with approval conditions or revocation of permission would be reported to the Committee for consideration of any future planning application in relation to the site.

112. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 21.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicles not exceeding 5.5 tonnes as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice shall be posted at a prominent location of the site to indicate that only private cars and light goods vehicles as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) a notice shall be posted at a prominent location of the site to remind drivers on pedestrian safety on the access roads to the site at all times during the planning approval period;
- (f) no vehicle repairing, dismantling or other workshop activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (g) no open storage activity, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (h) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (i) the provision of boundary fence on the site within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 21.11.2015;

- (j) 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 21.2.2016;
- (k) in relation to (j) 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 21.5.2016;
- (l) the submission of a revised 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 21.2.2016;
- (m) in relation to (l) 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 21.5.2016;
- (n) the submission of a fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 21.2.2016;
- (o) in relation to (n) 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 21.5.2016;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and

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

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

- “(a) the planning permission is given to the development/use and structures under application. It does not condone any other development/use (i.e. parking of vehicles other than private cars and light goods vehicles) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) prior planning permission should have been obtained before commencing the applied use at the site;
- (c) to resolve any land issues relating to the development with other owner(s) of the site;
- (d) to note that the erection of fence walls and external mesh fences on private land are building works subject to the control under the Buildings Ordinance (BO). The applicant should obtain the Building Authority’s (BA) prior approval of plans and consent for commencement of works or, if such works fall within the scope of the Minor Works Control System, the applicant should ensure compliance with the simplified requirements under the Building (Minor Works) Regulation;
- (e) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. No permission is given for occupation of government land (GL) (about 570m<sup>2</sup> subject to verification) included in the site. Attention is drawn to the fact that the act of occupation of GL

without Government's prior approval should not be encouraged. The lot owner(s) will need to apply to his office to permit any structure to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the GL portion. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on both GL and private land extended from Kiu Hing Road or Tai Tong Shan Road. His office does not provide maintenance work for the track nor guarantee any 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 from Kiu Hing Road and Tai Tong Shan Road shall be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking of vehicles on public road are allowed;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Kiu Hing Road and Tai Tong Shan Road;
- (h) to follow the "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimize the potential environmental impact on the surrounding area;

- (i) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and water pollution control measures should be implemented as necessary to avoid affecting the stream course and pond in vicinity of the site;
  
- (j) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that there is inadequate green buffer to the surrounding area and planting opportunity within the site has not been explored;
  
- (k) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department on the submitted drainage proposal (Drawing A-3 of the Paper). The alignment of the proposed u-channels and catchpits should be clearly shown on the drainage plan. Calculation to justify the dimensions of the proposed u-channel should be provided. Consideration should be given to providing catchpit at the turning points of the u-channel. The invert levels of the proposed catchpits should be drawn on the drainage plan for reference. The existing drainage facilities, to which the stormwater of the development from the site would discharge, should be indicated on plan. The relevant connection details should be provided for comment. The existing drainage facilities, to which the stormwater of the development from the site would discharge, are not maintained by his office. The applicant should identify the owner of the existing drainage facilities to which the proposed connection will be made and obtain consent from the owner prior to commencement of the proposed works. In the case that it is a local village drains, the District Officer (Yuen Long) should be consulted. The applicant should check and ensure the hydraulic capacity of the existing drainage facilities would not be adversely affected by the subject development. The location and details of the proposed hoarding/peripheral wall should be shown on the proposed drainage plan. Cross-sections showing the existing and proposed ground levels of the subject site with respect to the adjacent areas should be given. Standard details should be provided to indicate the sectional details of the proposed u-channel and the catchpit. Sand trap or provisions alike should be

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

- (l) to note the comments of the Director of Fire Services that in consideration of the design/ nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services 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; and
  
- (m) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the BA for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including containers as temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does

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

[Mr H.F. Leung left the meeting at this point.]

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/749      Renewal of Planning Approval for Temporary Warehouse for Storage of Furniture for a Period of 3 Years in “Undetermined” Zone, Lots 1547 and 1548 in D.D. 119, Pak Sha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/749)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary warehouse for storage of furniture under previous application No. A/YL-TYST/605 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 use in the vicinity (with the nearest one located about 20m northwest of the site) and environmental nuisance was expected. Other concerned departments had no objection to or no adverse comment on the application;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a further period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DEP's objection, there had been no environmental complaint against the site in the past 3 years and the applicant proposed to store all items within the enclosed warehouse structure on-site. Relevant approval conditions to minimize possible environmental concerns were recommended. It was therefore not expected that the development on the site would generate significant environmental impact on the surrounding areas. Moreover, the applicant would be advised to follow the "Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites" in order to minimize any potential environmental impact.

115. Members had no question on the application.

#### Deliberation Session

116. After deliberation, the Committee decided to approve the application on a temporary basis for a further period of 3 years from 25.8.2015 to 24.8.2018, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 6:00 p.m. and 9:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no open storage, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;

- (d) no workshop activities, as proposed by the applicant, are allowed on the site at any time during the planning approval period;
- (e) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to enter/exit the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to or reverse onto/from public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of records of the existing drainage facilities on the site within 3 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.11.2015;
- (i) the implementation of the accepted tree preservation and landscape proposals 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 25.2.2016;
- (j) the submission of fire service installations proposal within 6 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.2.2016;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.5.2016;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (g) is not

complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;

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

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

- “(a) the planning permission is given to the development/use and structures under application. It does not condone any other development/use (i.e. open storage use) which currently exists on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses not covered by the permission;
- (b) to resolve any land issues relating to the development with the concerned owner(s) at the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the site comprises of Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Lots No. 1547 and 1548 all in D.D.119 are covered by Short Term Waivers Nos. 3524 and 3525 respectively both permitting structures erected thereon to be used as warehouse for storage. The lot owner(s) will need to apply to his office to permit any additional/excessive structure to be erected or regularize the irregularities on site. Such application(s) will be considered by LandsD acting in the capacity of the landlord at its sole discretion and there is no guarantee that such

application(s) will be approved. If such application(s) is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal track on both government land (GL) and private land extended from Kung Um Road. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way;

- (d) to note the comments of the Commissioner for Transport that the land status of the access road/path/track leading to the site from Kung Um Road shall be checked with the lands authority. The management and maintenance responsibilities of the access road/path/track shall be clarified with the relevant management and maintenance authorities accordingly. Sufficient space should be provided within the site for manoeuvring of vehicles and no parking is allowed on public road;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and Kung Um Road;
- (f) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize any potential environmental nuisances;
- (g) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the existing trees at the southern perimeter of the site (Drawing A-3 of the Paper) are not observed in the aerial photo dated 2.1.2015;
- (h) to note the comments of the Director of Agriculture, Fisheries and Conservation that good site practices should be adopted and necessary

measures should be implemented to avoid causing disturbance and water pollution to the nearby watercourses;

- (i) to note the comments of the Chief Engineer/Construction, Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
  
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to Fire Services Department (FSD) for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy and the location of where the proposed FSIs to be installed should also be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by FSD, the applicant is required to provide justifications to FSD for consideration. The applicant is also reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (BO) (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (k) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted House), they are unauthorized under the BO and should not be designated for any approved use under the captioned application. Before any new building works (including temporary buildings) are to be carried out on the site, the prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the

BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulation 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5 wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage."

**Agenda Item 30**

**Section 16 Application**

[Open Meeting]

A/YL-TYST/750      Proposed Industrial Use (Manufacturing of Inert Gases and Fire Suppression Agents, Servicing and Filling of Fire Extinguishers and Compressed Gas Cylinders with Inert Gases and Fire Suppression Agents and Hydraulic Pressure Testing) and Dangerous Goods Godown (Storage of Inert Gases and Fire Suppression Agents) in "Industrial" Zone, Lot 1945 RP (Part) in D.D.121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/750)

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118.            The Committee noted that on 6.8.2015, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of supplementary information to address comments from the Electrical and Mechanical Services Department. This was the applicant's first request for deferment.

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

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

[The Chairman thanked Mr David C.M. Lam, DPO/TMYLW, Ms Jessica Y.C. Ho, Mr K.C. Kan and Ms Bonita K.K. Ho, STPs/TMYLW, and Mr Raymond W.M. Leung, TP/TMYLW, for their attendance to answer Members' enquires. They left the meeting at this point.]

**Agenda Item 31**

Any Other Business

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