

## **TOWN PLANNING BOARD**

### **Minutes of 443rd Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 17.6.2011**

#### **Present**

Director of Planning  
Mr. Jimmy C.F. Leung

Chairman

Mr. Walter K.L. Chan

Vice-chairman

Mr. B.W. Chan

Mr. Y.K. Cheng

Ms. Anna S.Y. Kwong

Dr. James C. W. Lau

Professor Edwin H.W. Chan

Mr. Timothy K.W. Ma

Dr. W.K. Lo

Ms. Anita W.T. Ma

Dr. W.K. Yau

Mr. Stephen M.W. Yip

Chief Traffic Engineer/New Territories West,  
Transport Department  
Mr. T.K. Choi

Assistant Director (2), Home Affairs Department  
Mr. Andrew Y.T. Tsang

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

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

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

Secretary

**Absent with Apologies**

Professor Paul K.S. Lam

Dr. C.P. Lau

Mr. Rock C.N. Chen

**In Attendance**

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

Town Planner/Town Planning Board  
Miss Hannah H.N. Yick

**Agenda Item 1**

Confirmation of the Draft Minutes of the 442nd RNTPC Meeting held on 3.6.2011

[Open Meeting]

1. The draft minutes of the 442nd RNTPC meeting held on 3.6.2011 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

(i) Approval of Draft Outline Zoning Plans (OZPs)

2. The Secretary reported that, on 31.5.2011, the Chief Executive in Council (CE in C) approved the following draft OZPs under section 9(1)(a) of the Town Planning Ordinance :

(a) Kwai Chung OZP (to be renumbered as S/KC/25); and

(b) Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP (to be renumbered as S/K15/19);

While the approval of Kwai Chung OZP was notified in the Gazette on 10.6.2011, the approval of Cha Kwo Ling, Yau Tong, Lei Yue Mun OZP was notified on 17.6.2011.

(ii) Reference Back of Approved Outline Zoning Plans (OZPs)/Development Scheme Plan (DSP)

3. The Secretary reported that the CE in C on 31.5.2011 referred the following approved OZPs/DSP to the Town Planning Board (TPB) for amendment under section 12(1)(b)(ii) of the Ordinance and the reference back of the OZPs/DSP was notified in the Gazette on 10.6.2011:

(a) Sai Ying Pun and Sheung Wan OZP No. S/H3/25;

- (b) Urban Renewal Authority Staunton Street/Wing Lee Street DSP No. S/H3/URA1/2; and
- (c) Ho Man Tin OZP No. S/K7/20.

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

#### **Agenda Item 3**

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

[Open Meeting]

A/SK-CWBN/17      Proposed Holiday Camp and Filling of Land (about 0.5 to 1.5m High) in “Green Belt” zone,  
Lot Nos. 72RP, 73, 75, 76, 77S.A, 77S.B, 77RP, 78, 79(Part), 80S.A, 80S.B, 80RP, 81, 82, 83RP, 84RP, 96RP, 97RP, 98, 99RP, 100, 101, 102, 103, 104, 105, 106, 107, 121, 122, 123, 124, 126, 127, 129S.A (Part), 129S.B (Part), 129RP (Part), 130, 132, 133 and Adjoining Government Land in D.D. 229, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/17)

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4.            The Committee noted that the applicant’s representative requested on 9.6.2011 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

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

[Miss Erica S.M. Wong, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

#### **Agenda Item 4**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/18      Proposed House (New Territories Exempted House - Small House)  
in “Green Belt” and “Village Type Development” zones,  
Lots 416S.A ss.2 and 417S.C in D.D. 238 and  
Adjoining Government Land, Ng Fai Tin, Clear Water Bay, Sai Kung  
(RNTPC Paper No. A/SK-CWBN/18)

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

6. Miss Erica S.M. Wong, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH)-Small House);
- (c) departmental comments – the District Lands Officer/Sai Kung advised that the land required to meet Small House demand was 2.75 ha (or equivalent to 110 Small House sites). However, land available to meet Small House demand was about 1.625 ha (or equivalent to 65 Small House sites). The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) advised that the application site was generally covered with vegetation within the “Green Belt” (“GB”) zone from photo record of 26.7.2008. However, the aerial photo of 20.12.2009 showed that vegetation of the site had been removed and the site photos in May 2011 indicated that the site was generally cleared with no vegetation except some self-grown weedy species. The proposed house would impose adverse impacts on the “GB” zone.

Although the applicant claimed that no site formation works was required, site formation would be required taking into account the gradient of the site and thus extending the impact of the development beyond the site boundary. Without details of the site formation proposal, the magnitude of impacts arising from the development on the “GB” zone could not be assessed. No landscape proposal was included to demonstrate how the impacts on landscape would be mitigated. She therefore objected to the application from the landscape planning point of view as there was a general presumption against development within the “GB” zone . Approval of the application would set an undesirable precedent and attract similar applications in the “GB” zone. The cumulative effect of approving similar applications would result in a general degradation of the zone. CTP/UD&L also advised that the substantial site level difference implied that site formation works might be required. The resultant retaining structure could result in adverse visual impact. As there was no information in the submission to demonstrate that the proposed development would not cause unacceptable visual impact on the surrounding areas, she had reservation on the application from the urban design and visual perspective. The Director of Agriculture, Fisheries & Conservation (DAFC) advised that the application site was covered with weeds. There was a common tree, *Ficus elastica*, nearby and part of its crown overhanged the site. He had no strong views on the application. Other concerned government departments had no objection/adverse comment on the application;

- (d) during the first three weeks of the statutory public inspection period, 15 public comments were received. The public comments objected to the application primarily on the grounds of incompatibility with the planning intention of the “GB” zone, lack of sustainable layout of infrastructure and development, encouragement of ‘destroy first – development later’ mentality, unfair allocation of Government land for private development, possible abuse of the Indigenous Village House Policy, lack of parking and road access, adverse impact on road safety on narrow village access/road, personal security threats, disruption of sea-view, obstruction of air

ventilation, drainage, construction safety issues related to steep slopes, lack of sewerage, lack of flushing water and other environmental impacts. One of the commenters opined that the proposed development fell within an area which should be kept public and open access to enable maintenance of a retaining wall along the frontage of House Nos. 27-34 of Ng Fai Tin. District Officer (Sai Kung) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed NTEH was considered not in line with the planning intention of the “GB” zone, which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. No strong planning justification in the current submission for a departure from the planning intention was provided. Although the applicant claimed that no site formation was required for the proposed development, the application site was currently situated on a slope rising from 86.54 mPD in the east to 88.95 mPD (about) in the west. Site formation works (e.g. construction of building platform and erection of retaining structure) was required taking into account the gradient of the site. Impact of the development would therefore be extended beyond the site boundary. Yet, no landscape proposal was included to demonstrate how the impacts on landscape would be mitigated. Without details of site formation proposal, the magnitude of impacts arising from the development on the “GB” zone could not be assessed. The proposed house would impose adverse impacts on the “GB” areas. Although the proposed development fell entirely within the “VE” of the recognized village of Pan Long Wan Village, and there was insufficient land within the “V” zone of Pan Long Wan Village to meet the 10 year Small House demand (70 nos.) and outstanding Small House demand (40 nos.), the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for NTEH/Small House in the New Territories’ in view of the adverse landscape aspect. Approval of the application would set an undesirable precedent and attract similar

applications within the “GB” zone. The cumulative effect of approving similar applications would result in a general degradation of the “GB” zone.

7. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development in “GB” zone. The proposed development was also not in line with the Town Planning Board Guidelines No.10 in that the proposed development of house with site formation on a slope would cause adverse landscape and visual impacts on the surrounding area. There was insufficient information to demonstrate that the proposed development would not create adverse landscape and visual impacts on the surrounding areas;
- (b) the proposed development did not comply with the ‘Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories’ as the proposed development would have adverse landscape impact on the surrounding areas. There was insufficient information to demonstrate that the proposed development would not have adverse landscape impact on the surrounding areas; and
- (c) approval of the application would set an undesirable precedent for similar applications within the “GB” zone on the Outline Zoning Plan. The cumulative effect of approving such similar applications would result in a

general degradation of the environment of the area.

**Agenda Item 5**

**Section 16 Application**

[Open Meeting]

A/SK-HC/185            Proposed House (New Territories Exempted House— Small House)  
in “Green Belt” zone,  
Lot No. 1945 S.H in D.D. 244, Mok Tse Che, Sai Kung  
  
(RNTPC Paper No. A/SK-HC/185)

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9.            The Committee noted that the applicant’s representative requested on 1.6.2011 for deferment of the consideration of the application for three months in order to allow time to prepare and submit an impact study of the proposed development on the landscape character and the existing woodland in the proximity of the application site. The applicant considered that the supplementary information was essential and indispensable for the applicant to address the comments raised by the Chief Town Planner/Urban Design and Landscape, Planning Department on the application and to provide justifications in support of the application.

10.           After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of 5 months of deferment had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SK-HC/187                      Proposed House (Ancillary Road)  
in “Green Belt” zone,  
Lots 877 (Part), 878 (Part), 879 RP (Part), 887 (Part) and  
1939 RP (Part) and adjoining Government Land in D.D. 244,  
Nam Pin Wai, Sai Kung  
(RNTPC Paper No. A/SK-HC/187)

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11.            The Committee noted that the applicant’s representative requested on 8.6.2011 for deferment of the consideration of the application for two months in order to allow time to provide further supplementary information to address the outstanding concerns raised by the Chief Town Planner/Urban Design and Landscape, Planning Department on the tree preservation and landscape proposal.

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

[The Chairman thanked Miss Erica S.M. Wong, STP/SKIs, for her attendance to answer Members’ enquires. Miss Wong left the meeting at this point.]

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

[Mr. W.K. Hui, District Planning Officer/Shan Tin, Tai Po and North (DPO/STN), and Mr. Anthony K.O. Luk, Senior Town Planners/Shan Tin, Tai Po and North (STPs/STN), were invited

to the meeting at this point.]

**Agenda Item 7**

**Section 12A Application**

[Open Meeting]

Y/NE-PK/1                      Application for Amendment to the Approved Ping Kong  
Outline Zoning Plan No. S/NE-PK/11 from “Agriculture”  
to “Comprehensive Development Area”,  
Various Lots in D.D. 91 and Adjoining Government Land,  
Ping Kong, Sheung Shui  
(RNTPC Paper No. Y/NE-PK/1)

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13.            The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Ms. Anna Kwong who had current business dealings with Environ had declared an interest in this item. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

[Mr. Andrew Y.T. Tsang arrived to join the meeting at this point.]

14.            The Committee noted that the applicant’s representative requested on 9.6.2011 for deferment of the consideration of the application for nine months in order to allow time to prepare an Ecological Survey (EcoS) to address the comments raised by the public.

15.            The Secretary reported that 58 objections to the deferment of consideration of the application were received after the RNTPC paper was issued. 53 objections were in the form of three standard letters and five other objections were individual letters. The objections were tabled at the meeting for Members’ information. They objected to the deferment of the applications as the application had been deferred three times and had caused significant psychological impact to the residents living in the area. The residents were worried that the resumption of land would affect their livelihoods and they could no longer live at the subject site. Many residents were from the grass root and most families included both elderly and the young. Owing to the deferment of the application, some landowners were not willing to rent out their land for farming. More land had been left fallow. There was doubt if the applicant’s request for deferment of the consideration of the application was a tactic to force the residents

moving out from the area. The objectors also said that the proposal submitted was not professional as the applicant should have resolved all technical issues before submitting the proposal to the Town Planning Board (TPB). The Secretary clarified that the applicant had only applied for deferment once in October 2010. Subsequently, the applicant had submitted further information (FI) on 4.1.2011 and 21.3.2011 respectively, both of which were not exempted from the publication and recounting requirements.

16. In response to the Chairman's enquiry, Mr. H.M. Wong said that according to his experience in handling similar application under the Environmental Impact Assessment Ordinance, EcoS would require six to nine months for collecting data covering both the wet and dry seasons. If there was readily available ecological information, a shorter period might be required. The time required would also depend on the scale of the project and large-scale project might need a nine-month period for the EcoS.

17. A Member asked whether the EcoS was conducted to address government department's comments or the public's concerns. With reference to para. 1.5 of the Paper, Mr. W.K. Hui, DPO/STN, said that there were objections from the public regarding the adverse ecological impact that might be induced by the proposed development on the site and the surrounding areas, and the applicant proposed to conduct a detailed EcoS to address the public's concerns.

18. A Member said that it was important to make sure that the applicant's request for 9-month deferment was reasonable. The Chairman said that according to the comments of Mr. H.M. Wong, six to nine months would be required for an EcoS, depending on the scale of the project. Therefore, it was not unreasonable for the applicant to request for nine months for the preparation of the EcoS.

19. A Member opined that the Committee should hold a balanced view on the deferment request as it might not be unreasonable for the applicant to request for a deferment of 9 months for the preparation of the EcoS in order to respond to the public's concerns, particularly those from the green groups. Sufficient time should be given to the applicant for the preparation of the supplementary information. This Member considered that the request for deferment could be acceded to.

20. Another Member considered that it was acceptable to defer the consideration of the application if the applicant was intended to do a proper EcoS, though there was reservation on the time required. The Secretary responded that normally the Committee would agree to a request for deferment for two months each time. In the subject application, the applicant had originally requested for a deferment of two months but knowing that the two-month period would not be enough for an EcoS, the applicant had changed the request to nine months. She said that the applicant had made submission in the past few months to address the comments made by government departments. The same Member asked if the applicant had started any works on the site. Mr. W.K. Hui responded that the current condition of the application site remained intact.

21. In response to a Member's question, the Secretary explained that if the deferral request was not acceded to, the application would be submitted to the Committee at the next meeting and there might not be sufficient information on the ecological aspect to support the application. If the Committee agreed to defer the consideration of the application, the application would be submitted for consideration by the Committee when the EcoS was available. According to the TPB No. 33 on deferment of decision on applications, the Committee should consider third parties' interest when making a decision and hence the 58 objections received by the Secretary of TPB had to be taken into account by the Committee.

22. Another Member considered that the deferral request should be acceded to as the EcoS was necessary for consideration of the application. As regards the concerns raised in the objection letters, the applicant could always submit a new application even if the subject application was rejected and hence rejecting the subject request for deferment would not help ease the concerns of the residents.

23. A Member asked whether there was more information on how detrimental the deferment would be on the living of the residents. The Secretary replied that as stated in the letters submitted by the residents in the area, which had been tabled at the meeting for Members' consideration, the residents were worried that the landowners would no longer rent out land for them for farming in view of the likelihood that the developer would acquire the land within the application site. Therefore, they hoped that the Committee could have an early decision on the application. The same Member opined that there was no evidence to support the claims by the objectors. It would be unfair to deprive the right of the applicant to

seek a deferment of the consideration of the application. As regards the requested nine-month period, the same Member asked if it could be shortened. The Chairman responded that it might not be unreasonable for an EcoS to be conducted for a period of six to nine months.

24. Another Member considered that the subject request for deferment should be acceded to as the current request was only the second time. There was no significant difference on the impact on the objectors if the subject application was deferred for six or nine months. Moreover, economic or financial impact was not the consideration of the Committee. On the contrary, from the planning perspective, the further information available would allow the Committee to have a proper assessment of the proposed development.

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

### **Agenda Items 8 and 10**

#### **Section 16 Application**

[Open Meeting]

A/DPA/NE-TKP/3 Proposed 19 Houses (New Territories Exempted House - Small House)  
in areas designated as “Unspecified Use”,  
Various Lots in D.D. 293, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/3)

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A/DPA/NE-TKP/5 Proposed 2 Houses (New Territories Exempted House - Small House)  
in areas designated as “Unspecified Use”,  
Various Lots in D.D. 293, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/5)

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26. The Secretary reported that Ms. Anna Kwong was the Authorised Person

responsible for a residential development project in the To Kwa Peng and Pak Tam Au areas and had declared interests in these items. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

27. The Secretary reported that Application No. A/DPA/NE-TKP/3 for 19 New Territories Exempted Houses (NTEHs) and Application No. A/DPA/NE-TKP/5 for 2 NTEHs were submitted on 6.4.2011 and 8.4.2011 respectively. The application sites in both applications fell within areas designated as “Unspecified Use” (“U”) on the Draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1.

28. On 7.1.2011, the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1, in which all land was designated as ‘U’, was exhibited for public inspection under section 5 of the Town Planning Ordinance for two months. During the exhibition period which ended on 7.3.2011, a total of 206 representations were received. Amongst them, one representation proposed to zone the entire To Kwa Peng as “Conservation Area” (“CA”) and “Coastal Protection Area”. Another two representations suggested to zone the western part of To Kwa Peng, including the application sites, as “Green Belt”. There were two representations proposing to zone the stream and forest in western part of To Kwa Peng as “CA” zone. The representations were tentatively scheduled for consideration by the Board in July 2011.

29. According to the Town Planning Board Guidelines on Deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. Considering that the zoning of the application sites was the subject of outstanding adverse representations which were yet to be considered by the Board, the Planning Department (PlanD) recommended to defer decisions on the subject applications pending the submission of the DPA plan to the CE in C for final decisions on the representations in respect of the DPA plan.

30. After deliberation, the Committee decided to defer decisions on the applications

as requested by PlanD. The Committee also agreed that the applications should be submitted to the Committee for consideration after the CE in C's decision on the DPA plan and the relevant adverse representations had been made.

### **Agenda Item 9**

#### **Section 16 Application**

[Open Meeting]

A/DPA/NE-TKP/4 Proposed 16 Houses (New Territories Exempted House - Small House) in areas designated as "Unspecified Use",  
Various Lots in D.D. 293, To Kwa Peng, Sai Kung North  
(RNTPC Paper No. A/DPA/NE-TKP/4)

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31. The Secretary reported that Ms. Anna Kwong was the Authorised Person responsible for a residential development project in the To Kwa Peng and Pak Tam Au areas and had declared interest in this item. The Committee noted that Ms. Kwong had not yet arrived to join the meeting.

32. On 8.4.2011, the subject application for 16 New Territories Exempted Houses NTEHs (Small Houses) on the application sites which fell within areas designated as "Unspecified Use" ("U") on the Draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1 was submitted.

33. On 7.1.2011, the draft To Kwa Peng and Pak Tam Au Development Permission Area (DPA) Plan No. DPA/NE-TKP/1, in which all land was designated as "U", was exhibited for public inspection under section 5 of the Town Planning Ordinance for two months. During the exhibition period which ended on 7.3.2011, a total of 206 representations were received. Amongst them, one representation proposed to zone the entire To Kwa Peng as "Conservation Area" ("CA") and "Coastal Protection Area" ("CPA"). Another two representations suggested to zone the western part of To Kwa Peng, including a portion of the application site, as "Green Belt" ("GB"). There were two representations proposing to zone the stream and forest in western part of To Kwa Peng as "CA" zone. Two representations proposed to zone the coastal area as "CPA" and one representation proposed

to zone a 20m wide buffer on the backshore of the coast as “GB”. The representations were tentatively scheduled for consideration by the Board in July 2011.

34. The proposed 16 Small Houses in the subject application had already been approved by the Tai Po District Lands Office Conference (DLOC) of the Lands Department before the DPA Plan was gazetted on 7.1.2011 but works on the Small Houses had not commenced. Although the subject Small Houses had received the necessary approval under the land administrative regime, the proposed 16 Small Houses were not in existence immediately before the first publication of the DPA plan. Planning permission from the Board was therefore required. Notwithstanding, views from the Director of Agriculture, Fisheries and Conservation (DAFC) and the Director of Environmental Protection (DEP) on the application were required to be further clarified.

35. According to the Town Planning Board Guidelines on Deferment of Decisions on Representations, Comments, Further Representations and Applications made under the Town Planning Ordinance (TPB PG-No. 33), a decision on a section 16 application would be deferred if the zoning of the subject site was still subject to outstanding adverse representation yet to be submitted to the Chief Executive in Council (CE in C) for consideration and the substance of the representations was relevant to the subject application. Considering that the zoning of the application sites was the subject of outstanding adverse representations which were yet to be considered by the Board, the Planning Department (PlanD) would normally recommend to defer a decision on the subject application pending the submission of the DPA plan to the CE in C for final decision on the representations in respect of the DPA plan. However, in view of the fact that the subject Small Houses, which had already been approved by DLOC of LandsD, the current application might warrant special consideration. Nevertheless, since more time was required to consult DAFC and DEP on the application, the PlanD therefore requested that the application be deferred for not more than two months pending the advice of DAFC and DEP

36. After deliberation, the Committee decided to defer a decision on the application for two months as requested by PlanD pending the advice from from DAFC and DEP.

**Agenda Item 11**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/104      Renewal of Planning Approval for Temporary Public Vehicle Park (including Container Vehicle) and Goods Distribution and Storage Use for a Period of 3 Years under Application No. A/NE-FTA/87 in “Other Specified Uses” annotated “Port Back-up Uses” zone, Lots 147, 148, 149, 164 (Part), 167 RP, 167 S.B, 176 RP (Part) in D.D. 52 and adjoining Government Land, Sheung Shui Wa Shan, Fu Tei Au, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/104)

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37.            The Secretary reported that Lanbase Surveyors Ltd. (Lanbase) was one of the consultants of the applicant. Ms. Anna Kwong who had current business dealings with Lanbase had declared an interest in this item. The Committee noted that Ms. Kwong had not yet arrived to join the meeting

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the renewal of planning approval for temporary public vehicle park (including container vehicle) and goods distribution and storage use for a period of 3 years under Application No. A/NE-FTA/87;
- (c) departmental comments –the Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. Other concerned government departments had no objection/adverse comment on the application;

- (d) one public comment was received during the statutory publication period from a North District Council (NDC) member Mr. TANG Kun-nin who had no comment on the application. District Officer (North) had consulted the locals regarding the application. The Chairman of Sheung Shui District Rural Committee, concerned NDC member, and village representatives of Sheung Shui Heung and Wah Shan had no comment on the application and
  
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The application site fell within Category 1 areas under the Town Planning Board (TPB) Guidelines No. 13E. For Category 1 areas, favourable consideration would normally be given to applications within these areas, subject to no major adverse departmental comments and local objections. The temporary public vehicle park including container vehicle and goods distribution and storage under application was considered in line with the planning intention of the “Other Specified Uses” annotated “Port Back-up Uses” “OU(PBU)” zone on the Fu Tei Au and Sha Ling Outline Zoning Plan, which was primarily for accommodating the anticipated increasing cross-boundary freight traffic, especially the parking of container vehicles, including container trailers and tractors, and other port back-up uses. It was also compatible with the existing land uses which comprised mainly container vehicle parks, vehicle repairing workshop, open storage yards and vacant land. It was anticipated that the development would not cause significant adverse traffic, drainage and landscape impacts on the surrounding area. The use under application was considered in line with the TPB Guidelines No. 13E in that no major adverse departmental comments and local objection had been received on the application. Although DEP did not support the application on the grounds that there were some domestic structures scattered in the areas to the east, north-east and north-west of the application site, the potential impacts on the villagers of the surrounding areas could be alleviated by advising the applicant to undertake environmental mitigation measures as set out in the revised ‘Code of Practice on Handling Environmental Aspects of Temporary Uses

and Open Storage Sites’, and by including an approval condition to restrict the operation hours as proposed by the applicant which was the same as that in the previous approval. As to the District Lands Officer/North, Lands Department’s comments on the existing structures outside the application site boundary, the applicant had submitted further information on 7.6.2011 indicating that the structures would be moved back into the site and actions would be taken to resolve other land issues. The application also generally complied with the TPB Guidelines No. 34B on ‘Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development’ in that the applicant had complied with all the approval conditions attached to the previous planning permission to the satisfaction of relevant Government departments. The use, site area and boundary, major development parameters and parking facilities of the current application were the same as those in the previous approved application (No. A/NE-FTA/87). There had been no material change in the planning circumstances and no change in the land uses of the surrounding areas since the previous temporary planning approval was granted. Although the application site fell within the New Development Area, the Chief Town Planner/Studies & Research and the Project Manager (New Territories North and West), Civil Engineering and Development Department pointed out that relevant site formation works were tentatively scheduled to commence in 2016. The approval period of three years sought under the current application, which was the same as the previous approval, was not unreasonable and would not adversely affect the future development of the New Development Area.

39. Members had no question on the application.

#### Deliberation Session

40. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 19.7.2011 to 18.7.2014, 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. to 7:00 a.m., as proposed by the applicant, was allowed on the application site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the application site during the planning approval period;
- (c) the peripheral fencing and paving of the site should be maintained during the planning approval period;
- (d) no vehicle repairing activities should be carried out on the application site at any time during the planning approval period;
- (e) the submission of drainage proposals 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 18.1.2012;
- (f) in relation to (e) above, the implementation of drainage proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 18.4.2012;
- (g) the submission of proposals for fire service installations and water supplies for fire-fighting 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 18.1.2012;
- (h) in relation to (g) above, the provision of fire service installations and water supplies for fire-fighting 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 18.4.2012;
- (i) the submission of 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 18.1.2012;

- (j) in relation to (i) above, the implementation of the tree preservation and landscape proposals within 9 months from the date of commencement of the renewed planning approval to the satisfaction of the Director of Planning or of the TPB by 18.4.2012;
- (k) if any of the above planning conditions (a), (b), (c) or (d) was not complied with during the approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice.

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

- (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/North, Lands Department that the owners of the lots should apply to his office for a Short Term Waiver (STW) and Short Term Tenancy (STT) for regularization of the structures and the unauthorized occupation of Government land. There was no guarantee that STW and STT would be granted. If the STW and STT were granted, the grants would be made subject to such terms and conditions to be imposed as the government should deem fit to do so including the payment of STW/STT fee;
- (c) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that:

- (i) any unauthorized building works carried out on the site were subject to enforcement action under section 24 of the Buildings Ordinance (BO);
  - (ii) formal submission of any proposed new works including any temporary structure for approval under the BO was required. If the site did not abut on a street of not less than 4.5m wide, the development intensity should be determined under Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. Also, the applicant's attention was drawn to B(P)R 41D regarding the provision of emergency vehicular access to the proposed development;
  - (iii) the granting of planning permission should not be construed as condoning any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found; and
  - (iv) use of container as offices and storerooms were considered as temporary structures and were subject to control under B(P)R Part VII;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that:
- (i) for provision of water supply to the development, the applicant might need to extend his/her inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
  - (ii) the application site was close to the 15m wide waterworks reserve

for a 2000mm diameter water main. The Water Authority and his officers and contractors, his or their workmen should have free access at all times to the said area with necessary plant and vehicles for the purpose of laying, repairing and maintenance of water mains and all other services across, through or under it which the Water Authority might require or authorize; and

- (iii) the site was located within the flood pumping gathering ground;
- (e) to follow the environmental mitigation measures as recommended in the latest 'Code of Practice on Handling the Environmental Aspects of Temporary uses and Open Storage Sites' issued by the Environmental Protection Department in order to minimize the potential environmental impacts on the adjacent area;
- (f) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:
  - (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines;

- (g) to note the comments of the Commissioner of Police that:
  - (i) adequate lighting should be provided within the premises;
  - (ii) sufficient space should be provided within the premises for parking, waiting and manoeuvring of vehicles so as to avoid queuing of vehicles onto adjacent public roads or government land and manoeuvring of vehicle when loading/unloading goods. No parking on the access road outside the site was allowed;
  - (iii) fire precaution measures should be provided on the site; and
  - (iv) the access road should be maintained by the applicant for the use of goods vehicles and emergency vehicles;
  
- (h) to note the comments of the Director of Fire Services that if no building plan would be circulated to his Department via the Centralized Processing System of Buildings Department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the application site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) for his approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission for fire services installations for his approval, the applicant was advised that:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy;
  - (ii) the location of the proposed FSIs and the access for emergency vehicles should be clearly indicated on the layout plans; and
  - (iii) detailed fire safety requirements would be formulated upon receipt

of formal submission of general building plans;

- (i) to note the comments of the Commissioner of Transport that the vehicular access to the application site was via a village track connecting with Man Kam To Road. The unnamed village track was not under Transport Department's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;
- (j) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the site was in an area where no public sewerage connection was available. Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that:
  - (i) at least 1m space between the trees and the stored materials or parked vehicles/container trailers should be provided; and
  - (ii) there was tree planting opportunity along the site boundary; and
- (l) the permission was given to the use/development under application. It did not condone any other use/development which currently existed on the site but not covered by the application. The applicant should be requested to take immediate action to discontinue such use/development not covered by the permission.

**Agenda Item 12**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LK/68            Proposed Public Utility Installation (Sewage Pumping Station)  
in “Agriculture” zone,  
Government Land in D.D. 73, Shek Chung Au, Sha Tau Kok  
(RNTPC Paper No. A/NE-LK/68)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) proposed public utility installation (sewage pumping station);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) advised that the application site fell wholly within an area zoned “Agriculture” (“AGR”). The subject application was not in line with the planning intention of the “AGR” zone which was primarily to retain and safeguard good quality agricultural land for agricultural purposes. The “AGR” zone would be irreversibly affected by the proposed development. As such, he had reservation on the subject application from an agricultural development standpoint. However, it was noted that the proposed development formed part of a sewerage project namely “North District Sewerage Stage 2 (Remainder) and Sewerage to Chuen Lung Village, Kau Wa Keng Old Village and Lo Wai – Investigation, Design and Construction”. It was understood that an on-going Feasibility Study and an environmental review (including “ecological impact assessment”) would be finalized and that any potential environmental impacts would be addressed under the Study. Having said that, taking into account the scale and nature of the proposed development and that the proposed site was

considered the “only suitable site” for the proposed development, he had no adverse comment in principle on the subject application from a nature conservation point of view. Other concerned government departments had no objection/adverse comment on the application;

- (d) two public comments were received during the statutory publication period. One comment from a member of the North District Council had no comment on the application. The other public comment from Designing Hong Kong Limited objected to the application on the grounds that the proposed use was incompatible with the character of the area and planning intention; the site appeared in good condition with dense vegetation but information on trees and compensatory planting were missing; and approval of the application would increase the chance of approving small house applications in the region. District Officer (North) had consulted the locals regarding the application and advised that concerned North District Council member and Chairman of Sha Tau Kok District Rural Committee had no adverse comment; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. The proposed sewage pumping station was an essential facility to collect and convey sewerage for treatment and disposal which would alleviate the water pollution problem and bring about environmental improvement. A site search exercise previously conducted by the applicant had demonstrated that the application site was the only suitable location for such facility which could meet all the selection criteria on site area, location, access, land ownership, engineering feasibility, environmental consideration, land use and planning impact and public acceptance, sympathetic consideration might be given to the current application. Although the proposed development was not in line with the planning intention of “AGR” zone and DAFC had reservation on the application from the agricultural development point of view, the proposed development was small in scale and was considered not incompatible with the surrounding rural character. The use under application was unlikely to

cause significant adverse environmental, ecological, traffic, landscape and visual impacts on the surrounding areas. There was a public comment objecting to the application on the grounds of planning intention, incompatible character, lack of information on trees and compensation and increasing approval of small houses applications. However, the applicant had submitted information relating to tree felling and landscape proposal, and concerned government departments including the Chief Town Planner/Urban Design & Landscape, Planning Department had no adverse comment on the application. Moreover, an approval condition requiring the applicant to submit and implement tree preservation and landscape proposal was also recommended. Approval of the current application would unlikely increase the approval of small house applications as the uses were different and each application was assessed on individual merits.

43. Members had no question on the application.

#### Deliberation Session

44. 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 17.6.2015, 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 design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (b) the submission and implementation of tree preservation and landscape proposal to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to note the comments of the District Lands Officer/North, Lands

Department that:

- (i) the applicant was required to apply for a permanent government land allocation to implement the proposed development. However, there was no guarantee on the approval of the allocation which was subject to views and comments of the locals and departments concerned; and
  - (ii) as some of the existing trees would be affected, the applicant was required to seek comments from relevant department on their species and whether they could be felled and to note the requirements of Environment, Transport and Works Bureau Technical Circular (Works) No. 3/2006 which was also applicable to government projects;
- (b) to note the comments of the Director of Fire Services that Emergency Vehicular Access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by Buildings Department and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;
- (c) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that for provision of water supply to the applied use, the applicant might need to extend his inside services to the nearest suitable government water mains for connection. The applicant should resolve any land matter (such as private lots) associated with the provision of water supply, and should be responsible for the construction, operation and maintenance of the inside services within the private lots to Water Supplies Department's standards;
- (d) to note the comments of the Director of Electrical and Mechanical Services that the applicant and/or his contractor should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the

application site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the application site, the applicant should carry out the following measures:

- (i) prior to establishing any structure within the application site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
  - (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and
- (e) to note the comments of the Chief Town Planner/Urban Design & Landscape, Planning Department that there was still opportunity to provide planting around the periphery of the application site.

### **Agenda Item 13**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/751                      Proposed Educational Institution  
(in wholesale conversion of an existing building only)  
in “Industrial” zone,  
13 Au Pui Wan Street , Fo Tan, Sha Tin  
(Lot 750RP and Extension thereto in DD 176)  
(RNTPC Paper No. A/ST/751)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed educational institution (in wholesale conversion of an existing building);
- (c) departmental comments –the Head of Development Opportunities Office, Development Bureau (H/DOO, DevB) advised that the Land and Development Advisory Committee (LDAC) supported the proposed project. Other concerned government departments had no objection/adverse comment on the application;
- (d) one public comment from a member of the Sha Tin District Council was received during the statutory publication period. He agreed in general to the application. However, he would like to request the developer to conduct a Traffic Impact Assessment (TIA) before the project commenced since most of the residents were concerned with the additional traffic flow induced by the proposal. District Officer (Sha Tin) had no adverse comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. The planning intention of the “Industrial” (“I”) zone was to reserve land primarily for general industrial uses to ensure adequate supply of industrial floor space to meet demand from production-oriented industries. However, according to the Town Planning Board (TPB) Guidelines No. 25D, wholesale conversion of an existing industrial building into educational institution within the “I” zone might be permitted on application to the Board based on individual merits. In the Area Assessments 2009 of Industrial Land in the Territory (Area Assessments 2009), the application site and the adjoining areas were proposed to be rezoned from "I" to "Comprehensive Development Area” (“CDA”) for comprehensive

residential and commercial development. The detailed rezoning proposals were being worked out by the PlanD. If the application was approved by the Committee, the proposed educational institution would be taken into consideration when working out the detailed rezoning proposals. The proposed educational institution through wholesale conversion would put the subject industrial building, which had been vacant, into beneficial use. This was in line with the Government's general policy of optimising the use of industrial buildings. In this respect, the H/DOO, DevB advised that the LDAC supported the proposal and appreciated the applicant's willingness to convert industrial building for social benefits. The site was located at the south-eastern fringe of the Fo Tan industrial area and in the vicinity of the East Rail Fo Tan Station. The godown and the East Rail Fo Tan Station to the south was zoned "CDA(1)" for comprehensive residential and commercial development with government, institution or community facilities. Areas to the west across Fo Tan Road and the nullah were predominantly occupied by village settlement. Therefore, the proposed educational institution was not incompatible with the surrounding land uses. Compared with the current situation, the proposed green features for the industrial building would enhance the visual amenity of the environment. The proposed development would not have significant adverse traffic, environmental, drainage, fire safety, visual and landscaping impacts on the surrounding areas. The site fell within the proposed "CDA" zone in the Area Assessment 2009 which was endorsed in-principle by the Board on 17.9.2011. In order not to jeopardize the potential long-term planning intention of the site, should the Committee decide to approve the application, the applicant should be advised that the approval would be for the lifetime of the building. Upon redevelopment, the site would need to conform with the zoning and development restrictions on the OZP in force at the time of redevelopment which might not be the same as those of the existing building. An advisory clause in paragraph 13.2(a) would be imposed in this regard. The public comment received during the statutory publication period was mainly concerned with the traffic impact of the proposal. In this regard, the applicant had submitted a Traffic Impact Assessment. The Commissioner for Transport had also advised that the

application was acceptable from the traffic viewpoint.

47. The Vice-chairman asked whether there were precedent cases to approve any planning application for the life-time of the building. He also asked whether it would be better to stipulate a specific period of time. Mr. Anthony Luk replied that there were precedent planning approvals which were approved for the life-time of the building. Upon redevelopment, the proposed use at the site should conform with the restrictions of the OZP in force at the time of redevelopment. An advisory clause explaining the planning implication to the applicant was recommended in the subject planning application. Moreover, this advisory clause could inform the applicant in advance that the zoning of the application site would be revised in future. The Secretary added that an application involving the conversion of the Wing Shan Industrial Building for hotel and shop and services uses in Yau Tong Bay was approved by the Board for the life-time of the building.

48. Another Member asked if it was possible for the applicant to apply for rezoning of the site for the proposed use. The Chairman replied that the proposed use was a column 2 use under the existing zoning. Therefore, the applicant could apply for planning permission under s.16 of the Town Planning Ordinance for the proposed use.

#### Deliberation Session

49. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.6.2015, 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 landscaping proposals to the satisfaction of the Director of Planning or of the TPB;
- (b) the implementation of mitigation measures identified in the environmental assessment and sewerage impact assessment to the satisfaction of the Director of Environmental Protection or of the TPB; and

- (c) the submission and implementation of fire service installations and water supplies for firefighting proposals to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval should be for the lifetime of the building. Upon redevelopment, the subject site would need to conform with the zoning and development restrictions on the Outline Zoning Plan in force at the time of redevelopment which might not be the same as those of the existing building;
- (b) to apply to the District Lands Officer/Shia Tin, Lands Department for a special waiver to permit the applied use;
- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) and Licensing Unit, Buildings Department that the proposed use should comply with the requirements under the Buildings Ordinance. A formal submission of plans should be made to Buildings department for approval and consent under the Buildings Ordinance prior to commencement of any alteration works to the existing building. The proposed floor plans would be subject to further comments, including any proposed "green features" which might have plot ratio implications;
- (d) to note and follow up with the comments of the Chief Engineer/Mainland South, Drainage Services Department on the submitted Sewerage Impact Assessment at Appendix II of the RNTPC paper;
- (e) to note the comments of the Director of Fire Services that the arrangement of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department; and
- (f) to note the comments of the Director of Food and Environmental Hygiene

that the tenant should at his own expense and to the satisfaction of the Director of Food and Environmental Hygiene to conduct regular inspection on the premises at a frequency of at least once weekly to ensure that the premises were free from any potential mosquito breeding hazards, maintain the premises free from accumulation of litter and waste, and remove all illegal posters and bills placed or affixed on any fences or walls erected or built along the boundary of the premises. The tenant should not do or permit anything to be done within the premises that might become a nuisance or annoyance to the owners or occupiers of adjacent or nearby premises. No derelict or abandoned vehicles should be dumped, stored or placed on the premises or any part thereof.

#### **Agenda Item 14**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/658-1            Application for Minor Amendments to the Approved Master Layout Plan (MLP) for the Comprehensive Commercial/Residential Development with Government, Institution or Community Facilities and Public Transport Interchange in “Comprehensive Development Area (1)” zone, East Rail Fo Tan Station and its Adjoining Area at Au Pui Wan Street and Lok King Street, Sha Tin  
(RNTPC Paper No. A/ST/658-1)

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51.            The Secretary reported that the application was related to Mass Transit Railway Corporation Limited (MTRCL). Mr. T.K. Choi, being an assistant to the Commissioner for Transport who was a Non-executive Director of MTRCL had declared an interest in this item. As Mr. Choi’s interest was direct, Members considered that he should leave the meeting temporarily.

[Mr T.K. Choi left the meeting at this point.]

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed minor amendments to the approved Master Layout Plan (MLP) for the comprehensive commercial/residential development with government, institution or community facilities and public transport interchange (Application No. A/ST/658) which comprised of three sites, i.e. S1, S2 and S3;
- (c) departmental comments – the Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) commented that the “wall effect” imposed by the proposed development was quite prominent as shown in the visual impact assessment (VIA). The disposition of the residential towers also appeared to be quite congested. Separation of towers might be increased to allow greater visual permeability and achieve good daylight penetration and air ventilation. The Director of Environmental Protection (DEP) advised that the current submission was a set of Master Layout Plan (MLP) with change in podium height in western part of the development, i.e. near Fo Tan Road. Since the podium was intended to be a noise screening structure, the proposed decrease in podium height would likely have adverse effect on the traffic noise level at some dwellings. The Town Planning Appeal Board (TPAB) had already ruled to accept the fundamental deficiency of the project, i.e. the industrial/residential (I/R) interface problem due to the freight yard and the public transport interchange (PTI) being not a valid issue. DEP was concerned that the "Freight Business" could continue its existing operation as of right given there was no confirmed program to develop that portion by MTRCL. Given the reliance of this assumption to ensure environmental performance by the applicant, DEP considered that it was difficult to support the scheme per se and possible schemes with no noise mitigation for S2 and S3 at the intended time of occupation of S1. 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 Landscape Master Plan (LMP) for Application No. A/ST/658 had not been approved and comments on the LMP submission for A/ST/658 had not been addressed in the current application. Other concerned government departments had no objection/adverse comment on the application;

- (d) the District Officer (Sha Tin) advised that local consultation had been conducted on the application and objections from members and the vice-chairman of Sha Tin District Council, owners of the nearby residential developments, namely Jubilee Garden and Royal Ascot and a resident of the Fo Tan area had been received. Their grounds of objection included that the proposed development would induce adverse traffic impact on the local road network, in particular Lok King Street and Lok Shun Path; main access to the nearby residential developments, namely Palazzo, Jubilee Garden and Royal Ascot, was Lok King Street. In case of emergency, the road would be impacted and jeopardized the safety of the local residents; the capacity of the East Rail Fo Tan Station might not be able to accommodate the additional traffic flow induced by the proposed development; the proposed development would induce a significant increase in the local population overloading the supporting infrastructure, including the provision of open space; the proposed high-rise buildings would introduce "wall effect" thereby imposing adverse visual and ventilation impacts on the area; and there were over supply of primary and secondary schools; and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 9 of the Paper which was summarised below:
  - (i) the appeal (No. 5 of 2008) in respect of the original approved scheme (Application No. A/ST/658) was allowed by the TPAB on 5.10.2010 with Supplemental Decision setting out the approval

conditions and advisory clauses rendered on 29.3.2011. The current application only involved minor amendments to the scheme previously approved by the TPAB. The proposed Class B amendments in this application, comprising changes to the layout of the emergency vehicular access and car park, changes in soft/hard landscape design and an increase of one loading/unloading space for the refuse collection vehicle, were primarily technical and minor amendments to the approved scheme;

- (ii) on the issue of industrial/residential (I/R) interface problem created by the freight yard, this was discussed when the TPAB was considering the appeal. The TPAB considered that the noise impact from the freight yard operation would not be a concern as MTRC had already decided to wind down its freight business. Regarding DEP's concern on the potential increase in traffic noise due to proposed slight decrease in podium height, the issue could be addressed in the Environmental Impact Assessment, which was proposed to be included as a planning condition should the Committee approve the application;
  
- (iii) for the issue of "visual wall effect" created by the development, this was also discussed at the appeal stage. The TPAB took the view that "visual wall effect" was a question of extent and some "visual wall effect" at the Site were inevitable unless the plot ratio was not to be fully utilized by the owner. The TPAB accepted that the applicant had tried to incorporate mitigation measures into the MLP where possible. The TPAB suggested adding as a condition that measures should be taken to minimise the wall effect. In this regard, a condition requiring the applicant to submit and implement a LMP was included when the TPAB allowed the original scheme under Application No. A/ST/658. If the current application was approved by the Committee, the same approval condition would also be included;

- (iv) regarding the comments of the Chief Engineer/Mainland South, Drainage Services Department (CE/MS, DSD) on the validity of the Drainage Impact Assessment (DIA) and Sewerage Impact Assessment previously submitted by the applicant and the comments of CTP/UD&L, PlanD on the landscape planning aspect, it was considered that their concerns could be addressed by incorporation of appropriate conditions. With respect to CE/MS, DSD's comment that a planning condition requiring the submission of DIA was applied to Town Planning Appeal No. 13 of 2006 (Application No. A/ST/630) rather than the subject application, given the similar nature of the two cases, an approval condition on this aspect was to be imposed if the application was approved; and
- (v) the local objections received were mainly related to the potential adverse traffic impact, inadequate supporting infrastructure, over-supply of schools, and "wall effect" created by the proposed development. In these regards, the applicant had submitted a Traffic Impact Assessment in this application and the Commissioner for Transport had no objection to the application from traffic viewpoint. On the supporting infrastructure, relevant Government departments, including DEP, CE/MS, DSD, the Chief Engineer/Development (2), Water Supplies Department and the Director of Fire Services had been consulted and they had no adverse comment in this regard. On open space provision, the applicant has indicated that open space would be provided on 3/F of the podium for the future residents in accordance with the HKPSG. In response to the local comment on over provision of schools, the Secretary for Education advised that the proposed secondary school site at S3 was released due to over-supply of school places. For the potential "wall effect", subsequent to the TPAB's approval of the original scheme (Application No. A/ST/658), the applicant proposed some mitigation measures including the widening of building gaps from 4.8 m to some 12.5 m and 14.3 m for the building blocks in S1. The proposals were already incorporated in the present application.

Noting that certain design improvements, including widened gaps among building blocks in S1 and slight reduction in podium height, had been adopted, CTP/UD&L, PlanD had no objection to the application from the urban design and visual perspectives. An advisory clause would be incorporated to request the applicant to liaise with PlanD to work out measures to minimize the adverse impact of the "wall effect", especially taking the opportunity of the release of the secondary school site in S3. The applicant would also be advised to explain the development to the Sha Tin District Council.

53. A Member asked if the concerns of the District Council (DC) and the local residents on the adverse traffic impact on the local road network, in particular Lok King Street, had been addressed in the subject scheme. Mr. Anthony Luk, STP/STN, replied that the local residents had concerns on the traffic congestion problem at Lok King Street. As compared with the proposed single vehicular access at Lok King Street in the previous proposed scheme at the rezoning request stage, the vehicular access of S1 of the proposed development had been relocated to Au Pui Wan Street in the current scheme and hence the traffic flow was diverted from Lok King Street. The Transport Department considered the traffic impact assessment of the subject scheme acceptable. The same Member asked if the improvement to the access arrangement had been conveyed to DC and the nearby residents and whether they considered that acceptable. Mr. W.K. Hui responded that an advisory clause (i) to advise the applicant to meet with Sha Tin DC to explain the development proposal/MLP had been suggested.

#### Deliberation Session

54. Mr. H.M. Wong said that the Environmental Protection Department (EPD) had concerns on the noise impact arising from the slight reduction of the podium height by 1.3m. The three blocks located at S1 portion of the CDA site were very close to Fo Tan Road and a slight reduction of the podium would worsen the traffic noise impact. It would be better if the three residential blocks in S1 could be located further away from Fo Tan Road. Moreover, EPD was concerned that if S1 was developed first and there was no timetable for the implementation of S2 and S3, this would result in I/R interface problem between the

residential development in S1 and the existing bus terminus and the freight business at S2 and S3. Although he understood that the TPAB had considered this issue in allowing the appeal, EPD would like to remind the Committee of the I/R interface problem as the implementation programme of S2 and S3 was not confirmed in the current scheme. A Member did not support the subject application in view of the traffic noise impact which had been worsened in the current scheme. The Chairman said that the subject scheme was a minor amendment scheme that should normally be considered by the Director of Planning under the delegated authority of the Town Planning Board. As adverse departmental comments from EPD and the public had been received, the subject scheme was therefore submitted to the Committee for consideration. Relevant approval condition requesting for the submission of environmental impact assessment and implementation of mitigation measures to the satisfaction of EPD had been imposed to ensure that the environmental problems would be properly mitigated.

55. After further deliberation, the Committee decided to approve the Master Layout Plan (MLP) and the application, under sections 4A and 16A of the Town Planning Ordinance, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 5.10.2014, 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 revised MLP to incorporate where appropriate the approval conditions as stated in paragraphs (b) to (h) to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a Landscape Master Plan to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised Environmental Impact Assessment Report and implementation of mitigation measures to the satisfaction of the Director of Environmental Protection or of the TPB;
- (d) the submission of a revised Traffic Impact Assessment Study and the implementation of the improvement measures identified therein, the design and provision of vehicular access, car parking spaces,

loading/unloading/lay-by facilities and pedestrian circulation system to the satisfaction of the Commissioner for Transport or of the TPB;

- (e) the design and provision of public transport interchange and mini-transport interchange to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the submission of revised drainage and sewerage impact assessments and implementation of the upgrading measures identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the design and provision of a kindergarten to the satisfaction of the Secretary for Education or of the TPB; and
- (h) the provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approved MLP, together with the set of approval conditions, would be certified by the Chairman of the TPB and deposited in the Land Registry in accordance with section 4A(3) of the Town Planning Ordinance. Efforts should be made to incorporate the relevant approval conditions into a revised MLP for deposition in the Land Registry as soon as possible;
- (b) the approval of the application did not imply that the gross floor area exemption included in the application would be granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval;
- (c) to consult the Director of Lands on the land exchange application;
- (d) to resolve any land issue relating to the development with other concerned owner(s) of the application site;

- (e) to consult the Director of Fire Services on the detailed fire service requirements to be formulated at formal general building plans submission stage;
- (f) to consult the Director of Water Supplies on the provision of a waterworks reserve with 2 m from the centre line of the existing water mains and salt water mains at the bus terminus in order to prevent any interruption to their operation and maintenance;
- (g) the application site was within the dam break flood plain of Lower Shing Mun Dam of Lower Shing Mun Reservoir. The applicant was advised to carry out an assessment of the impacts of the proposed development on dam break and make his own provisions. The applicant was advised to consult the Reservoir Safety Section of Water Supplies Department in this regard;
- (h) part of the proposed works under the Water Supplies Department's Rehabilitation and Replacement Works Stage 3 fall within the application site. Coordination between the applicant and the Water Supplies Department's project consultant was required to resolve the project interface problems. The applicant was also advised to liaise with the Consultant Management Division of the Water Supplies Department for deletion of affected water mains from the Water Supplies Department's project;
- (i) to meet with the Sha Tin District Council, in consultation with the Sha Tin District Office, to explain the development proposal/MLP; and
- (j) to liaise with the Director of Planning to work out measures, including widening of the gaps between buildings especially taking the opportunity of the release of the secondary school site in S3, to minimize the adverse impact of the "wall effect" created by the proposed development.

[Mr. T.K. Choi returned to join the meeting at this point.]

**Agenda Item 15**

Section 16 Application

[Open Meeting]

A/NE-LT/424            Proposed House (New Territories Exempted House-Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 1569 S.A ss.2 in D.D. 19, Ha Tin Liu Ha Tsuen,  
Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/424)

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57.            The Committee noted that the applicant’s representative requested on 9.6.2011 for deferment of the consideration of the application for one month in order to allow time to prepare further information and obtain consents from relevant owners so as to confirm the feasibility of the sewerage connection for the proposed house.

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

**Agenda Item 16**

**Section 16 Application**

[Open Meeting]

A/NE-LT/425            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 1598 S.A ss.2 S.A and 1598 S.A ss.3 in D.D.19 and  
Adjoining Government Land, Ha Tin Liu Ha Tsuen,  
Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/425)

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59.            The Committee noted that the applicant’s representative requested on 9.6.2011 for deferment of the consideration of the application for one month in order to allow time to prepare further information and obtain consents from relevant owners so as to confirm the feasibility of the sewerage connection for the proposed house.

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

**Agenda Item 17**

**Section 16 Application**

[Open Meeting]

A/NE-LT/426            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lots 1598 S.A RP and 1598 S.A ss.2 RP in D.D.19,  
Ha Tin Liu Ha Tsuen, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/426)

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61. The Committee noted that the applicant's representative requested on 9.6.2011 for deferment of the consideration of the application for one month in order to allow time to prepare further information and obtain consents from relevant owners so as to confirm the feasibility of the sewerage connection for the proposed house.

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

### **Agenda Item 18**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/427            Proposed House (New Territories Exempted House - Small House)  
in "Agriculture" zone,  
Lot 1406 S.A in D.D. 8, Ping Long Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/427)

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

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

- (a) background to the application;
- (b) proposed house (New Territories Exempted House (NTEH) - Small House)
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the

application site was entirely outside the “Village Type Development” (“V”) zone and village ‘environs’ (‘VE’) of Ping Long Village. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the planning application from the agricultural point of view as there were active agricultural activities at the application site and the area had high potential of rehabilitation for agricultural activities. The application site was located within the Water Gathering Ground (WGG). The Chief Engineer/Project Management, Drainage Services Department (CE/PM, DSD) advised that public sewers would be laid along the footpath in the “V” zone as shown on Plan A-2 of the Paper under the latest design of the proposed sewerage scheme. He advised that the applicant theoretically could extend his sewer via other private lots to the proposed public sewers at the northwest by himself. However, there was no information in the submission indicating that the owners of adjoining lots would provide an easement for a sewer connection of the proposed house and the sewerage discharge from the proposed house would have the potential to cause water pollution to the WGG. Both the Director of Environmental Protection (DEP) and the Chief Engineer/ Development (2), Water Supplies Department (CE/Dev (2), WSD) therefore did not support the application. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) of the Planning Department (PlanD) had some reservations on the application from the landscape planning perspective as approval of the application would set an undesirable precedent for similar Small House applications in the subject “Agriculture” (“AGR”) zone. This would encourage urban sprawl / village developments in the pleasant rural landscape setting and further degrade the existing landscape quality of the area;

- (d) during the statutory public inspection period, two public comments against the application were received from the Hong Kong Bird Watching Society (HKBWS) and Designing Hong Kong Limited. The HKBWS raised objection to the application as the application was not in line with the planning intention of the subject “AGR” zone and the approval of the application would set a bad precedent for more future development in agricultural land. Designing Hong Kong Limited objected to the application

on the ground that permitting development within the “AGR” zone without a sustainable village layout plan would adversely affect the environment of the surrounding areas. The District Officer (Tai Po) had no comment on the application from departmental point of view; and

- (e) the PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. According to DLO/TP, LandsD’s records, the numbers of outstanding Small House applications for Ping Long and Tai Om Villages were 52 and 9 respectively while the 10-year Small House demand forecasts for the same villages were 350 and 90 respectively. From the latest estimate by PlanD, about 7.19 ha (or equivalent to about 287 Small House sites) of land were available within the “V” zone of Ping Long and Tai Om Villages. Therefore, the land available could not fully meet the future Small House demand of about 12.53 ha (or equivalent to about 501 Small House sites). Notwithstanding, the proposed Small House under the current application did not comply with the Interim Criteria for Consideration of Applications for NTEH/Small House in the New Territories in that the footprint of the proposed Small House fell entirely outside “V” zone and ‘VE’ of any recognized villages in Tai Po. In this regard, DLO/TP did not support the planning application for the same reason. The application site was located within the WGG. CE/PM, DSD advised that public sewers would be laid along the footpath in the “V” zone as shown on Plan A-2 of the Paper under the latest design of the proposed sewerage scheme, and the applicant theoretically could extend his sewer via other private lots to the proposed public sewers at the northwest by himself. However, as there was no information in the submission indicating that the owners of adjoining lots would provide an easement for a sewer connection of the proposed house and the sewerage discharge from the proposed house would have the potential to cause water pollution to the WGG, both DEP and CE/Dev(2), WSD did not support the application. The application site was located to the eastern fringe of Ping Long Village and fell within the “AGR” zone. Considering that there were active agricultural activities at the application site and the area had high potential of rehabilitation for agricultural

activities, DAFC did not support the planning application from the agricultural point of view. The CTP/UD & L of PlanD also had some reservations on the application from the landscape planning perspective as approval of the application would set an undesirable precedent for similar Small House applications in the subject “AGR” zone, which would encourage urban sprawl / village developments in the pleasant rural landscape setting and further degrade the existing landscape quality of the area.

64. Members had no question on the application.

#### Deliberation Session

65. 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 did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in the New Territories in that the footprint of the proposed Small House fell entirely outside the “Village Type Development” zone and village ‘environs’ of any recognized villages in Tai Po; and
- (b) the proposed Small House fell within the water gathering grounds and the applicant failed to demonstrate in the submission that the proposed development could be connected to the existing or planned sewerage system in the area and would not have the potential to cause water pollution to the surrounding areas.

**Agenda Item 19**

**Section 16 Application**

[Open Meeting]

A/NE-LT/428                      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 1406 S.B in D.D. 8, Ping Long Village, Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/428)

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66.            The Committee noted that the applicant requested on 14.6.2011 for deferment of the consideration of the application for one month in order to allow time to prepare further information on sewerage connection proposal in support of the application.

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting]

A/NE-LT/429                      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 161 S.A ss.6 and 162 S.A ss.5 in D.D.19, Tong Min Tsuen,  
Lam Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/429)

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68.            The Committee noted that the applicant’s representative requested on 10.6.2011 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address concerns on sewerage connection and landscape

aspects.

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

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting]

A/NE-LT/431 Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 1150 RP in D.D.19, Lam Tsuen San Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/431)

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70. The Committee noted that the applicant’s representative requested on 14.6.2011 for deferment of the consideration of the application for two months in order to allow time to resolve technical issues and submit further information for the application.

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/356            Temporary Private Garden Ancillary to New Territories Exempted House for a Period of 3 Years  
in “Conservation Area” and “Village Type Development” zones,  
Lot 351 S.A (Part) in D.D. 26 and Adjoining Government Land,  
Shuen Wan Chim Uk, Tai Po  
(RNTPC Paper No. A/NE-TK/356)

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### **Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary private garden ancillary to New Territories Exempted House (NTEH) for a period of 3 years;
- (c)    departmental comments –the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning of view. The site was located close to the edge of an existing pond in the “Conservation Area” (“CA”) zone. In view of the high landscape value and importance of the “CA” zone, the area was sensitive to urban development. The proposed use, if approved, would encourage similar applications in the area, extend the village landscape character beyond the existing “Village Type Development” (“V”) zone boundary into the “CA” zone, result in urban sprawl and degrade the existing landscape quality of the area. Other concerned government departments had no objection/adverse comment on the application;

- (d) during the statutory publication period, five public comments were received. One of the comments, submitted by Designing Hong Kong Limited, objected to the application stating that the approval of the application would induce development approaching valuable ecological areas in the district. The other four comments, submitted by the Tai Po District Council member Mr. Lo Sam Shing, the Tai Po Rural Committee, the Indigenous Inhabitant Representative of Shuen Wan Chim Uk and an individual, objected to the application for the adverse impacts of the proposed use on the village. No local objection/view was received from the District Officer (Tai Po); and
- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The site was located along the edge of one of the ponds of the Shuen Wan marsh area which was zoned “CA” and had high scenic, landscape and ecological value. About 41% of the site fell within the “CA” zone and a portion of the site involved government land (about 47m<sup>2</sup>). The subject private garden use was considered not in line with the planning intention of “CA” zone which was to protect and retain the existing natural character or ecological features of the area for conservation, educational and research purposes. There was a general presumption against development in this zone. In general, only developments that were needed to support the conservation of the existing natural landscape or scenic quality of the area or were essential infrastructure projects with overriding public interest might be permitted. Fencing the site for private garden use had altered the existing pond bank environment and adversely affected the natural landscape and scenic quality of the area. Although the relevant Government departments consulted had no objection to/no adverse comments on the application, there was no exceptional circumstance or strong justification provided by the applicant that merited sympathetic consideration of the application for using land within the “CA” zone for private garden purpose. The CTP/UD&L of PlanD objected to the application from the landscape planning point of view and pointed out that the area had high landscape value and was sensitive to urban development. The private garden use

under application, if approved, would encourage similar applications in the area and degrade the existing landscape quality of the area. As there were other NTEHs adjacent to the “CA” zone, the approval of the application would set an undesirable precedent for other similar applications in the area and the cumulative impacts of approving such applications would undermine the planning intention of the “CA” zone and result in degradation of the natural environment in this scenic area.

73. In response to a Member’s question, Mr. W.K. Hui replied that there were similar private gardens to the north of the application site which did not involve government land. As the application site involved government land, the Lands Department had requested the applicant to apply for planning permission prior to the processing of the short term tenancy for private garden use at the site.

74. In response to another Member’s enquiry, Mr. W.K. Hui replied that the subject site was currently used as a private garden.

#### Deliberation Session

75. After further 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 development was not in line with the planning intention of “Conservation Area” zone which was to protect and retain the existing natural character or ecological features of the area for conservation, educational and research purposes and to separate sensitive natural environment such as Site of Special Scientific Interest or Country Park from the adverse effects of development. There was a general presumption against development in this zone. The applicant failed to provide strong planning justifications in the submission for a departure from this planning intention even on a temporary basis; and
- (b) the approval of the application would set an undesirable precedent for other

similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the natural environment, landscape value and scenic quality of the area.

**Agenda Item 23**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/357      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Green Belt” zones,  
Government Land in D.D. 15, Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/357)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House);
- (c) departmental comments – the District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) did not support the application as the site was outside the village ‘environs’ (‘VE’) of Shan Liu. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site had high potential for agricultural rehabilitation. The Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) objected to the application as the site was on government land, within the lower indirect water gathering ground (WGG) and outside the ‘VE’ of Shan Liu. Allowing the site to be developed for NTEH/Small House would set an undesirable precedent and

open the floodgates for applications for granting of government land for NTEH/Small House developments within the WGG or outside the 'VE'. The cumulative effect would result in a general degradation of the water quality within WGG and also the rural environment of the area. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view. The site was separated from the built up area. Based on the past aerial photo taken on 23.12.2009, the site was covered by lush green vegetation. However, according to a recent site photo, the site was vacant with no significant vegetation. There were signs of extensive recent vegetation clearance within and surrounding the site. These disturbances had already disrupted the high-value landscape resources in the area and left unattractive scars therein. If the application was approved, it would set an undesirable precedent to similar Small House application in the subject "GB" zone, resulting in urban sprawl and further degradation of landscape quality.

- (d) during the statutory publication period, one public comment submitted by Designing Hong Kong Limited against the application was received. The commenter stated that the area was zoned "Agriculture" and "Green Belt" ("GB"). The zoning intention and character of the area were incompatible with urban sprawl. The area lacked a plan for a sustainable layout of infrastructure and development. The District Officer (Tai Po) had no comment on the application; and
- (e) the Planning Department (PlanD)'s views –PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The proposed development was not in line with the planning intention of the "GB" zone which was primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone. According to the DLO/TP, LandsD's record, the total number of outstanding Small House application for Shan Liu Village was 27 while the 10-year Small

House demand forecast for the same village was 250. Based on the latest estimate by the PlanD, about 0.41 ha (or equivalent to about 16 Small House sites) of land were available within the “Village Type Development” (“V”) zone of Shan Liu Village. Therefore, the land available could not fully meet the future Small House demand of about 6.93 ha (or equivalent to about 277 Small House sites). Although there was a general shortage of land in meeting the future Small House demand in Shan Liu Village, the proposed development did not comply with the Interim Criteria as the site was entirely outside the “V” zone and the ‘VE’ of any recognised villages. As no similar planning application for Small House development outside the ‘VE’ had ever been approved in the vicinity, approval of the application would set an undesirable precedent for other similar applications in the area. While a trunk sewer would be constructed to serve the Small House development within the “V” zone of Shan Liu, the CE/Dev(2), WSD objected to the application as the site was on government land, within the lower indirect WGG and outside the ‘VE’ of Shan Liu. Allowing the site to be developed for NTEH/Small House would set an undesirable precedent and open the floodgates for applications for granting of government land for NTEH/Small House developments within the WGG or outside the ‘VE’. The cumulative effect would result in a general degradation of the water quality within WGG and also the rural environment of the area. The DAFC had reservation on the application from the nature conservation point of view and pointed out that development of the proposed Small House would require felling of trees in the subject “GB” zone. The CTP/UD&L, PlanD objected to the application from the landscape planning point of view and advised that the site was covered by shrubs and grass. The footprint of the proposed house would have direct conflict with two *Macaranga tanarius* (血桐) trees which were of common species and in fair condition. Construction of the proposed house would likely involve felling of these trees and hence adverse impact on the existing landscape resources was anticipated. Moreover, there were signs of extensive site formation and vegetation clearance in the surrounding area since 2004 and already resulted in adverse landscape impacts. Approval of the application would set an undesirable precedent to similar Small House

application in the “GB” zone, resulting in urban sprawl and further degradation of landscape quality.

77. Members had no question on the application.

#### Deliberation Session

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

- (a) the proposed development was not in line with the planning intention of the “Green Belt” zoning for the area which was to define the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There was a general presumption against development within this zone;
- (b) the proposed development did not comply with the interim criteria for consideration of application for New Territories Exempted House/Small House in New Territories as the site was entirely outside the “Village Type Development” zone and the village ‘environs’ of any recognised villages;
- (c) the applicant failed to demonstrate that the proposed development located within the lower indirect water gathering ground would not cause adverse impact on the water quality in the area; and
- (d) the approval of the application would set an undesirable precedent for other similar applications in the area.

**Agenda Item 24**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/358            Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” zone,  
Lots 644 S.J and 654 S.M in D.D. 15, Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/358)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House (NTEH) – Small House;
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from the agricultural point of view as the site has high potential for agricultural rehabilitation. The Chief Town Planner, Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape planning point of view and advised that the site was separated from the built up area and was currently vacant with no significant vegetation. However, there were signs of extensive site formation and vegetation clearance in the surrounding area since 2004 and resulted in adverse landscape impacts. In view of the high landscape quality in the surrounding area, the application site was sensitive to urban development. The proposed house, if approved, would encourage more village house developments in the area resulting in an extension of the village landscape character well beyond the existing “Village Type Development” (“V”) zone boundary, resulting in urban sprawl and degrading the existing

landscape quality of the area;

- (d) during the statutory publication period, one public comment, submitted by Designing Hong Kong Limited, against the application was received. The commenter stated that over 60% of area was zoned “Agriculture” (“AGR”). The zoning intention and character of the area were incompatible with urban sprawl. The area lacked a plan for a sustainable layout of infrastructure and development. The District Officer (Tai Po) had no comment on the application; and
  
- (e) the Planning Department (PlanD)’s views –PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. According to the District Lands Officer/Tai Po, LandsD’s record, the total number of outstanding Small House application for Shan Liu Village was 27 while the 10-year Small House demand forecast for the same village was 250. Based on the latest estimate by the PlanD, about 0.41 ha (or equivalent to about 16 Small House sites) of land were available within the “V” zone of Shan Liu Village. Therefore, the land available could not fully meet the future Small House demand of about 6.93 ha (or equivalent to about 277 Small House sites). The site was located within the upper and lower indirect water gathering ground (WGG). The Director of Environmental Protection (DEP) and the Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) had no objection to the application provided that the proposed Small House could be connected to the planned public sewerage system and the occupation of the Small House would only take place after the public sewerage system was completed in the area. The Drainage Services Department advised that the proposed trunk sewer system had adequate capacity to cater for the sewage to be conveyed from the proposed Small House. Therefore, the proposed Small House development could be considered as complying with the Interim Criteria in that more than 50% of the footprint of the proposed Small House fell within the ‘VE’, there was a general shortage of land in meeting the demand for Small House development in the “V” zone of Shan Liu Village, and the proposed Small House located within the WGG could be connected

to the planned sewerage system. As recommended by the DEP and CE/Dev(2), WSD, an advisory clause requiring the occupation of the proposed Small House should only begin after the completion of the public sewerage system was recommended to be included in the planning permission. Although the CTP/UD&L, PlanD and the DAFC did not support the application, sympathetic consideration could be given to the application as the site was currently vacant with no significant vegetation and the proposed Small House could be connected to the planned sewerage system. To address the landscape concern, approval condition on submission and implementation of landscape proposal was recommended be imposed in the planning permission.

80. A Member asked whether there was insufficient land for Small House in the village and whether there was any access road to the application site. Mr. W.K. Hui, DPO/STN, replied that there was insufficient land to meet the future 10-year Small House demand in Shan Liu Village and there was an access road nearby aligning with the trunk sewer as shown on Plan A-2 of the Paper.

81. In response to the Chairman's enquiry, Mr. Hui said that the "V" zone boundary had been under review. In this regard, the village representative of Shan Liu Village suggested that the "AGR" zone within the lower indirect WGG should be rezoned to "V". However, in view of the potential impact on water quality, the Water Supplies Department objected to such proposal. Currently, PlanD was reviewing the "V" zone boundary and might consider to rezone land within the village 'environs' and upper WGG to "V". The result of the "V" zone review would be submitted to the Committee for consideration in a few months' time.

#### Deliberation Session

82. 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 17.6.2015, 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 facilities to the satisfaction of the Director of Drainage Services or of the TPB;
- (c) the provision of fire fighting access, water supplies and fire service installations to the satisfaction of the Director of Fire Services or of the TPB;
- (d) 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
- (e) 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.

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

- (a) the occupation of the proposed Small House should only begin after the completion of the public sewerage system;
- (b) adequate space should be provided for the proposed Small House to be connected to the public sewerage system;
- (c) the trunk sewers would be laid along Shan Liu Road under the “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” project. Upon completion of the trunk sewers, the applicant should extend his sewer, at his own cost, to the nearest connection point of the planned sewerage system in the area;
- (d) the applicant was required to register, before execution of Small House grant document, a relevant Deed of Grant of Easement annexed with a plan

for construction, operation and maintenance of sewage pipes and connection points on the lots concerned in the Land Registry against all affected lots and resolve all necessary government land issues with the District Lands Officer/Tai Po in order to demonstrate that it was both technically and legally feasible to install sewage pipes from the proposed house to the planned sewerage system via the concerned private lot and government land;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that as the site was close to the adjoining Shan Liu Road, the applicant was reminded to provide mitigation measures at his own cost against any nuisance (e.g. noise, dust, etc) from the road;
  
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) and the Chief Engineer/Consultants Management, DSD that there was no public drain in the vicinity of the site. The applicant was required to submit and implement a drainage proposal for the site to ensure that it would not cause adverse drainage impact to the adjacent area. The applicant was also required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems. There was no existing public sewerage in the vicinity of the site currently. Nevertheless, sewerage connection might be available when proposed village sewerage works under the project “Tolo Harbour Sewerage of Unsewered Areas Stage 1 Phase 2C” was completed in around 2013. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development. The trunk sewer was to serve the potential Small House development within the “Village Type Development” (“V”) zone of Shan Liu Village. No branch sewer was planned;
  
- (g) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant was

reminded to make necessary submission to the District Lands Officer to verify if the site satisfies the criteria for the exemption for site formation works as stipulated in the Practice Note for Authorized Persons and Registered Structural Engineers APP-56. If such exemptions were not granted, the applicant should submit site formation plans to the Buildings Department in accordance with the provision of the Buildings Ordinance; and

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

[Mr. Andrew Tsang left the meeting at this point.]

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/NE-TK/359                      Proposed House (New Territories Exempted House - Small House)  
in “Agriculture” and “Village Type Development” zones,  
Lot 613 in D.D. 15 and Adjoining Government Land,  
Shan Liu Village, Tai Po  
(RNTPC Paper No. A/NE-TK/359)

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84.            The Committee noted that the applicant’s representative requested on 23.5.2011 for deferment of the consideration of the application for three months in order to allow more time for implementation of the trunk sewer which would affect the village ingress/egress point and the Small House applications of Shan Liu Village.

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. 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. Timothy Ma left the meeting at this point.]

### **Agenda Item 26**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TK/360           Renewal of Planning Approval for Temporary Barbecue Site  
and Car Park for a Period of 2 Years  
in “Agriculture” zone and Area shown as ‘Road’,  
Various Lots in D.D. 17 and D.D. 29, Ting Kok, Tai Po  
(RNTPC Paper No. A/NE-TK/360)

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

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

- (a) background to the application highlighting that the site was the subject of a previous application No. A/NE-TK/281 for renewal of planning approval covering the same site for the same use submitted by the same applicant and approved by the Committee on 24.7.2009. A temporary approval for a renewal period of two years (i.e. until 27.7.2011) was granted. The applicant had complied with all approval conditions.;
- (b) the renewal of planning approval for temporary barbecue site and car park for a period of 2 years;

- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view as the site is located largely within the “AGR” zone and has high potential for agricultural rehabilitation. Other concerned government departments had no objection/adverse comment on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Tai Po) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the use of the site for temporary barbecue and car park could be tolerated for a further period of 2 years based on the assessments made in paragraph 10 of the Paper. The proposed barbecue site occupied mostly the central part of the application site with the remaining area being used as open car park, plant nursery and active cultivation. The temporary use was considered not incompatible with the predominantly agricultural and recreational uses in the surrounding areas. There had been no material change in planning circumstances since the previous renewal approval was granted. The continuation of the current temporary use for a further period of 2 years would unlikely frustrate the planning intention of the site for agricultural use. Although the DAFC did not support the application from agricultural point of view, the proposed barbecue site would unlikely cause adverse environmental, drainage and sewerage impacts on the areas. The planning conditions under previous approval had been complied with to the satisfaction of relevant Government departments. Also, no public comment against the application and no environmental complaint pertaining to the site was received.

87. Members had no question on the application.

#### Deliberation Session

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

temporary basis for a period of 2 years from 28.7.2011 to 27.7.2013, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 11:00 p.m. and 7:00 a.m. was allowed on the application site during the planning approval period;
- (b) the existing vehicular access and parking facilities, the existing drainage facilities, the existing trees and landscape plantings and the existing fire service installations on the site should be maintained at all times during the planning approval period;
- (c) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice; and
- (d) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the development with the concerned owner of the application site;
- (b) the applicant should apply to Tai Po District Lands Office for Short Term Waiver to regularize the unauthorised structures on private lots and Short Term Tenancy to regularise the illegal occupation of government land;
- (c) to note the comments of the the Chief Engineer/Mainland North, Drainage Services Department that the site should have its own stormwater collection and discharge system to cater for the runoff generated within the site as well as overland flow from the surrounding areas. The applicant was

required to maintain such systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by failure of the systems;

- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that formal submission of any proposed new building works, including any temporary structure for approval under the Buildings Ordinance was required. If the site did not abut on a street having a width of not less than 4.5m, the development intensity should be determined under Building (Planning) Regulation 19(3) at building plan submission stage; and
- (e) to note the comments of the Director of Fire Services that if no building plan would be circulated to his department and covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) were erected within the proposed site, the applicant was required to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval and to subsequently provide the FSIs in accordance with the approved proposal. In preparing the submission, the applicant should also be advised to the following points:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and
  - (ii) the location of where the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans.

**Agenda Item 27**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/495                      Proposed House  
   in “Green Belt” zone,  
   Lot 523 in D.D. 21, Pun Shan Chau Village, Tai Po  
   (RNTPC Paper No. A/TP/495)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house;
- (c) departmental comments – the Commissioner for Transport (C for T) had reservation on the application. Such type of development should be confined within the “Village Type Development” (“V”) zone as far as possible. Although additional traffic generated by the proposed development was not expected to be significant, such type of development outside the “V” zone, if permitted, would set an undesirable precedent case for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial. Notwithstanding, the application only involved rebuilding of one house. He considered that this application can be tolerated unless it was rejected on other grounds; Other concerned government departments had no objection/adverse comment on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Tai Po) had no comment on the application; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. The applicant applied to rebuild a dilapidated 2-storey house located on the application site. The subject site was a New Grant lot with building entitlement. Planning permission had been obtained for a 3-storey NTEH with a GFA of 195.09m<sup>2</sup> under Application No. A/TP/375 on 21.7.2006 and a 2-storey house with a GFA of 195.09m<sup>2</sup> under Application No. A/TP/389 on 9.3.2007, which had been subsequently lapsed. Compared with Application No. A/TP/389 approved by the Committee on 9.3.2007, the proposed use, built form, layout configuration and development intensity remained unchanged. Concerned Government departments consulted had no adverse comment on the application, in principle, and there was no public comment received. Considering there was no change in planning circumstances since the last application was approved, there was no reason to depart from the previous decision to approve the application. The proposed development was generally in line with the Town Planning Board Guidelines No. 10 for development within “Green Belt” zone in that the scale and intensity of the proposed development was not incompatible with the surrounding rural and village environment. It would not cause adverse environmental, sewerage and landscape impacts on the surrounding areas.

91. Members had no question on the application.

#### Deliberation Session

92. 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 17.6.2015, 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; and
- (c) the provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) to note the comments of the District Lands Officer/Tai Po (DLO/TP), Lands Department that the applicant would have to apply for lease modification/land exchange; and parts of the existing local access leading from Tat Wan Road to the subject lot encroach upon a number of private lots. There was no guarantee that right of way to and from the subject lot could be granted by the Government and the applicant had to make his own arrangement for the access road;
- (b) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department (DSD) that there were no existing DSD maintained public stormwater drains available for connection in this area. The applicant was required to maintain his own stormwater systems properly and rectify the systems if they were found to be inadequate or ineffective during operation. The applicant should also be liable for and should indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems; Environmental Protection Department should be consulted regarding the sewage treatment/disposal aspects of the development and provision of septic tank; and for works to be undertaken outside the lot boundary, the applicant should consult DLO/TP and seek consent from relevant lot owners before commencement of the drainage works;
- (c) to note the comments of the Director of Fire Services that emergency vehicular access arrangement should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue administered by

Buildings Department; and detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans;

- (d) to note the comment of the Director of Agriculture, Fisheries and Conservation that the applicant should avoid disturbing the mature camphor tree to the west of the proposed house;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that if the site did not abut a specified street of width not less than 4.5m, then the development intensity would be determined by the Building Authority under Building (Planning) Regulation 19(3);
- (f) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department as follows:
  - (i) the applicant was required to submit a Geotechnical Planning Review Report (GPRR) in support of the planning application and to assess the geotechnical feasibility of the proposed development. A Geotechnical Engineering Office Advice Note, which set out the essential contents of a GPRR, was attached at Attachment IV of the RNTPC paper; and
  - (ii) the applicant should complete slope remedial works to the satisfaction of the DLO/TP, and discharge the Closure Order pertinent to the application site;
- (g) to note the comments of the Commissioner for Transport that the existing village access was not under Transport Department's jurisdiction. The land status of the village access should be checked with the lands authority. The management and maintenance responsibilities of the village access should be clarified with the relevant lands and maintenance authorities accordingly;
- (h) to note the comments of the Director of Electrical and Mechanical Services

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

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

**Agenda Item 28**

Section 16 Application

[Open Meeting]

A/TP/498

Proposed Religious Institution

in “Green Belt” zone,

Lots 54 R.P., 56, 443 S.A, 443 R.P., 445 in D.D. 24 and  
adjoining Government Land, Ma Wo, Tai Po

(RNTPC Paper No. A/TP/498)

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94. The Committee noted that the applicant’s representative requested on 31.5.2011 for deferment of the consideration of the application for one month in order to allow time to address departmental comments and concerns.

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

[The Chairman thanked Mr. W.K. Hui, DPO/STN, and Mr. Anthony K.O. Luk, STP/STN, for their attendance to answer Members' enquires. Mr. Hui and Mr. Luk left the meeting at this point.]

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

#### **Agenda Item 29**

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

[Open Meeting]

Y/TM-LTYYY/3

Application for Amendment to the Approved Lam Tei and Yick Yuen Outline Zoning Plan No. S/TM-LTYYY/6 from “Residential (Group C)”, “Residential (Group D)” and “Government, Institution or Community” to “Residential (Group C)1” with a Maximum Plot Ratio of 0.4 and a Maximum Building Height of 3 Storeys (10.5m) excluding Basement Carpark, Lots 809 RP, 810, 811, 1132, 1133, 1134, 1135 S.A. RP, 1135 S.B, 1141 RP, 1142 S.A. RP, 1143 RP and 1147 RP in D.D. 130 and Adjoining Government Land, Lam Tei, Tuen Mun  
(RNTPC Paper No. Y/TM-LTYYY/3)

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96. The Secretary reported that the application was submitted by a subsidiary of Henderson Land Development Co. Ltd. (Henderson). Dr. C.P. Lau and Dr. James Lau who had current business dealings with Henderson had declared interests in this item. The Committee noted that Dr. C.P. Lau had tendered apologies for not able to attend the meeting. As the applicant had requested for a deferment of the consideration of the application, the

Committee agreed that Dr. James Lau should be allow to stay in the meeting.

97. The Committee also noted that PlanArch Consultants Ltd. (PlanArch) was one of the consultants of the applicant. Ms. Anna Kwong who had current business dealings with PlanArch had declared an interest in this item. The Committee noted that Ms. Kwong had not arrived to join the meeting yet.

98. The Committee noted that the applicant's representative requested on 1.6.2011 for deferment of the consideration of the application for two months in order to allow time to revise the proposed development scheme to accommodate Government departments' comments and carry out technical assessments.

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 three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of 4 months of deferment had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 30**

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

[Open Meeting]

Y/YL/5

Application for Amendment to the Approved Yuen Long Outline Zoning Plan No. S/YL/18 from "Government, Institution or Community (1)" to "Residential (Group C)", Lots 1818RP, 1846RP, 1850 (Part), 1851, 1852RP, 1853RP, 1855RP, 1857RP and 1858RP (Part) in D.D. 120 and Adjoining Government Land, Ma Tin Pok, Yuen Long  
(RNTPC Paper No. Y/YL/5)

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100. The Committee noted that the applicant's representative requested on 1.6.2011

for deferment of the consideration of the application for two months in order to allow time to explore possible solutions to address comments raised by Social Welfare Department, Environmental Protection Department and Planning Department, which might involve revision of the original development layout. The applicant was now assessing the impacts arising from the layout revision in the aspects of internal spatial arrangement, building layouts, internal traffic movement, environmental impacts and so on.

101. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within three months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of 4 months of deferment had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting]

A/YL-PS/338 Proposed Site Formation Works including Filling and Excavation of Land for Development of New Territories Exempted Houses and Proposed Utility Installation for Private Project (Transformer Room) in “Village Type Development” zone,  
Lots 1340 S.B ss.4 to ss.24, 1340 S.B RP, 1340 S.B ss.1 RP (Part) and 1340 S.B ss.2 RP (Part) in D.D. 121, Tong Fong Tsuen, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/338)

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102. The Committee noted that the applicant’s representative requested on 27.5.2011 for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the departmental comments on urban design and landscape aspects.

103. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of 4 months of deferment had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 32**

Section 16 Application

[Open Meeting]

A/TM-LTY Y/215 Temporary Potted Plants Transfer Station  
for a Period of 3 Years in “Green Belt” zone,  
Lots 2447 S.D RP and 2447 RP in D.D. 130, Tuen Mun  
(RNTPC Paper No. A/TM-LTY Y/215)

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104. The Committee noted that the applicant’s representative requested on 31.5.2011 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

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

**Agenda Item 33**

Section 16 Application

[Open Meeting]

A/TM/405

Columbarium in “Green Belt” zone,  
G/F and 1/F, Lot No. 559 in D.D. 131 within Tsing Wan Kun,  
Tuen Mun  
(RNTPC Paper No. A/TM/405)

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106. The Committee noted that the applicant’s representative requested on 13.6.2011 for deferment of the consideration of the application for one month in order to allow more time for the applicant to resolve and discuss with the Hong Kong Police Force regarding traffic and pedestrian management issue during Ching Ming and Chung Yeung Festivals.

107. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that one month was allowed for preparation of the submission of the further information, and since a total of 5 months of deferment had been allowed, no further deferment would be granted unless under very special circumstances.

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

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-SKW/67      Temporary Barbecue Area for a Period of 3 Years  
in “Village Type Development” zone,  
Lots 263 S.B (Part) and 268 (Part) in D.D. 385 and  
Adjoining Government Land in Tai Lam Chung, Tuen Mun  
(RNTPC Paper No. A/TM-SKW/67)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary barbecue area for a period of 3 years;
- (c) departmental comments – concerned government departments had no objection/adverse comment on the application;
- (d) during the statutory publication period, 1 public comment was received. The comment was received from the former Village Representative of Tai Lam Chung Tsuen, Mr. Wu Luen-hing, supporting the application on the grounds that the barbecue area had been there for years and was conducive to the green environment and good appearance for his village. The barbecue area was located between his village and Castle Peak Road, and villagers from his village would usually take some short rest there on their way home and would also hold festive celebrations there. The villagers find it very convenient to use the facilities. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the

temporary development could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Village Type Development” (“V”) zone was to designate both existing recognised villages and areas of land considered suitable for village expansion. The land within the “V” zone was primarily intended for development of Small Houses by indigenous villagers. However, there was no Small House application within the site for the time being. The temporary barbecue area would provide a commercial and recreational outlet to serve the surrounding areas. The granting of a temporary planning permission for 3 years would not frustrate the long-term planning intention of the “V” zone. The temporary development was not incompatible with the character of the surroundings. In view of the small scale and temporary nature, it would unlikely cause significant impact on the area. There has been no environmental related complaint against the site in the past 3 years. The concerns from the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) on landscape and drainage aspects respectively, could be addressed by approval conditions. There were 4 previous approved applications (i.e. Applications No. A/TM-SKW/42, 48, 54 and 57) for the same use on the site. Although these applications were revoked due to non-compliance with approval conditions on submission and/or implementation of landscape and tree preservation proposals and drainage proposals, the first 3 applications (No. A/TM-SKW 42, 48 and 54) were submitted by different applicants, whereas application No. A/TM-SKW/57 was submitted by the same applicant. On 4.2.2009, the applicant did submit a drainage proposal in an attempt to comply with the approval condition on submission of drainage proposal under Application No. A/TM-SKW/57. Nevertheless, the permission was revoked on 13.2.2009 due to non-compliance with the approval condition on submission of landscape and tree preservation proposal. Although Application No. A/TM-SKW/57 was revoked, the applicant continued to implement the drainage and landscape facilities. For the current application, the applicant had submitted an indicative drainage proposal on which CE/MN, DSD had no

objection, and the applicant also indicated that trees had been replanted on-site and maintained in good condition. The previous rejected Application No. A/TM-SKW/61 submitted also by the same applicant covered a much larger site, which covered 5 sites with Small House approvals granted by LandsD. However, for the current application, the site was reduced in size and the approved proposed Small Houses were excluded from the site. Given efforts have been made and the site was reduced in size, temporary approval could be considered. However, shorter compliance periods were proposed to monitor the progress of compliance with approval conditions if the Committee decided to approve the application. Moreover, the applicant would be advised that should the planning permission be revoked again due to non-compliance with any of the approval conditions, sympathetic consideration would not be given to any further application for the same use.

109. Members had no question on the application.

#### Deliberation Session

110. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.6.2014, 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, was allowed on site during the planning approval period;
- (b) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (c) the submission of tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.9.2011;
- (d) in relation to (c) above, the implementation of tree preservation and

landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2011;

- (e) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.9.2011;
- (f) in relation to (e) above, the implementation of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2011;
- (g) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2011;
- (h) in relation to (g) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.12.2011;
- (i) if any of the above planning conditions (a) or (b) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;
- (b) to resolve any land issue relating to the temporary development with the concerned owners of the application site as well as the adjacent lots;
- (c) shorter compliance periods were imposed in order to monitor the progress of compliance with approval conditions;
- (d) should the planning permission be revoked due to non-compliance with any of the approval conditions again, sympathetic consideration would not be given by the Committee to any further application for the same use;
- (e) to note the comments of the District Lands Officer/Tuen Mun, Lands Department (DLO/TM, LandsD) that the applicant was required to obtain the consents of the owners of Lots 263 S.B. and 268 and apply to his office for Short Term Waivers and Short Term Tenancy to regularize the structures on these two lots and the unauthorised use of the government land. The applicant was also required to remove the structure(s) on Lot 261 which was not included in the planning application. The applicant was required to seek prior approval from his office before commencement of any construction works on government land and provide a plan showing the government land affected if the drainage proposal was acceptable to the Drainage Services Department (DSD). The applicant was advised to seek the relevant owners' consent for the proposed drainage works located at the private land;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the applicant should be responsible for his own access arrangement. If any run-in/out was approved by Transport Department, the applicant should construct it according to HyD's standard drawings H1113 and H1114, or H5133, H5134 and H5135, to match the existing pavement condition. Adequate drainage measures should be

provided at the entrance to prevent surface water flowing out from the lot onto the public road/footpath via the run-in/out. The applicant should ensure that his proposed drains to be laid under the public roads in the vicinity of the site should comply with the minimum cover requirements for utilities as stipulated in HyD Technical Circular No. 3/90;

- (g) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (h) to note the comments of the Chief Engineer/Mainland North, DSD that the site was in an area where no direct public stormwater drainage connection was available, the applicant should arrange his own stormwater collection and discharge system to cater for runoff generated within the site as well as overland flow from areas in the vicinity to the satisfaction of DSD. The applicant was required to provide records of relevant land owners’ consent for his record. In addition, maintenance responsibility of proposed works should also be agreed and record of such agreement should be provided for record purpose. Existing village drainage channel was not maintained by his office according to his drainage record plan. The applicant should obtain consent from the DLO/TM, LandsD, relevant authorities and/or affected lot owner(s) regarding the applicant’s proposed discharge of site run-off to existing village drainage facility. The proposed development was in an area where no public sewerage connection was available;
- (i) to note the comments of the Director of Fire Services that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) were anticipated to be required and the applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to him for approval. In formulating FSIs proposal for the proposed structure, the applicant was advised to make reference to the requirements at Appendix IV of the RNTPC paper; and

- (j) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized structures on site were liable to action under section 24 of the Buildings Ordinance (BO). The granting of planning approval should not be construed as condoning to any unauthorized structures existing on the site under the BO and the allied regulations. Actions appropriate under the BO or other enactment might be taken if contravention was found. Use of containers as toilet, kiosk and store were considered as temporary buildings and were subject to control under Building (Planning) Regulations Part VII. Formal submission of any proposed new works, including any temporary structure and any shelter for approval under the BO was required. Any non-exempted building works should be submitted formally for approval under the BO and his detailed comments would be offered at the building plans submission stage.

**Agenda Item 35**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/404      Temporary Open Storage of Containers and Cargo Handling and Forwarding Facilities with Ancillary Container Vehicle Park and with Ancillary Vehicle Repair Workshop for a Period of 3 Years in “Residential (Group D)” zone, Lots 764 RP (Part) and 768 RP (Part) in D.D. 99, Lots 200 S.B (Part), 204 RP (Part) and 215 RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long  
(RNTPC Paper No. A/YL-ST/404)

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112.      The Committee noted that the sixth sentence of para. 12.6 of the Paper should be revised by adding “and are pending a certificate for FSD’s acceptance respectively” at the end of the sentence.

Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary open storage of containers and cargo handling and forwarding facilities with ancillary container vehicle park and with ancillary vehicle repair workshop for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) advised that no pollution complaint against the site was recorded from 2008 to March 2011. According to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he did not support the application because the temporary development involved movement of heavy and medium goods vehicles (including container vehicles), and there were sensitive receivers in the vicinity of the site (a residential dwelling at about 2m to the south of the site and a residential dwelling at about 13m to the southeast of the site). Environmental nuisance affecting the nearby residential use was expected. Other concerned government departments had no objection/adverse comment on the application;
- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views –PlanD considered that the temporary open storage of containers and cargo handling and forwarding facilities with ancillary container vehicle park and with ancillary vehicle repair workshop could be tolerated for a period of 3 years based on the assessments made in paragraph 12 of the Paper which were summarised below:
  - (i) although the applied use was not in line with the planning intention

of the “R(D)” zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there was no immediate development proposal for this part of the zone. The applied use was not incompatible with the surrounding land uses, comprising mainly open storages of containers/construction machinery and vehicle parks (including container vehicle parks);

- (ii) the application was in line with the Town Planning Board (TPB) Guidelines No. 13E in that the site fell within the Category 2 areas where a number of open storages (including containers) and vehicle parks (including container vehicles) were in the vicinity and there was no immediate permanent development proposal or program for the site; government departments concerned had no adverse comment on or objection to the application on conservation, traffic, drainage, and landscape aspects and there had been no environmental complaint against the site from 2008 to March 2011 and no public comment on the application; and the site (in whole or in part) was the subject of 9 previous approved planning applications mainly for temporary open storage of containers and container trailer park since late 1997 and it did not involve conversion of agricultural land or fish pond for the applied temporary development;
- (iii) the application was not contrary to the TPB Guidelines No. 12B. Although the site fell within the Wetland Buffer Area, it had been mainly used for the temporary open storage of containers and container trailer park with approved planning applications since late 1997. There were also open storages (including containers) and vehicle parks (including container vehicles) in the vicinity. The Director of Agriculture, Fisheries and Conservation (DAFC) had no comment on the application noting that the application was for continuation of the current use on a temporary basis. Adverse ecological impact on the site and its immediate surrounding areas was not envisaged;

- (iv) while there are domestic structures located in close proximity to the site (the nearest being 2 m away), no environmental complaints had been received in the past 3 years and there was also no public objection to this application. However, in order to address the Director of Environmental Protection's concerns, approval conditions restricting the operation hours and stacking height of containers stored on-site as well as requiring maintenance of paving and boundary fencing were recommended to mitigate potential environmental nuisance to nearby residents. Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize possible environmental impacts. Technical concerns of government departments could be addressed by approval conditions. While fire services installations (FSI) had been implemented under the previous Application No. A/YL-ST/360, the approval conditions on submission of FSI and provision of FSI were still required for the current application because the proposed temporary development was not the same as the previous mainly in that there was an ancillary vehicle repair workshop and an increase in number of structures and floor area at the site.
  
- (v) the site was the subject of 9 previous approved applications (No. A/YL-ST/37, 39, 72, 75, 121, 123, 233, 305 and 360) mainly for temporary open storage of containers and container trailer park. The current application was similar to the previous approved applications. The last permission under Application No. A/YL-ST/360 for temporary open storage of containers and container trailer park with ancillary facilities (with a 2,000L diesel oil tank) submitted by the same applicant was approved on 13.3.2009 but was revoked on 13.10.2010 due to non-compliance with approval condition on the provision of FSI. Despite the revocation, the applicant continued making an effort to submit revised FSI proposal and provide the required FSI. The revised FSI proposal and implemented FSI were

considered acceptable by the FSD on 19.1.2011. Given that the applicant had made an effort to comply with the approval conditions, temporary approval could be considered. Since 2005, the Committee or the Board had approved a total of 16 applications for similar uses within the same “R(D)” zone. Approval of the application was not inconsistent with the previous decisions of the Committee or the Board;

- (vi) as the last approval (Application No. A/YL-ST/360) was revoked due to non-compliance with approval condition, shorter compliance periods were proposed to monitor the progress of compliance with approval conditions should the Committee decide to approve the application. Moreover, the applicant would be advised that should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given to any further application.

114. Members had no question on the application.

#### Deliberation Session

115. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the northeastern boundary of the site to avoid encroachment on the works limit of the project “Drainage Improvement in Northern New Territories Package A – The Proposed San Tin Western Main Drainage Channel” as and when required by the Government to the satisfaction of the Director of Drainage Services or of the TPB;
- (b) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;

- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) the containers stacked within 5m of the periphery of the site should not exceed the height of the boundary fence during the planning approval period;
- (e) the stacking height of containers stored at any other location within the site should not exceed 8 units during the planning approval period;
- (f) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (g) the existing vegetation on the application site should be maintained at all times during the planning approval period;
- (h) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of an as-built drainage plan and photographic records 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 17.9.2011;
- (j) the submission of buffer area proposal fronting Castle Peak Road – San Tin within 3 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.9.2011;
- (k) in relation to (j) above, the provision of buffer area fronting Castle Peak Road – San Tin within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.12.2011;

- (l) the submission of run-in proposal within 3 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.9.2011;
- (m) in relation to (l) above, the provision of run-in within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.12.2011;
- (n) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.9.2011;
- (o) in relation to (n) above, the provision of fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.12.2011;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g) or (h) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (q) if any of the above planning conditions (i), (j), (k), (l), (m), (n) or (o) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (r) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the applied use at the application site;

- (b) shorter compliance periods were allowed to monitor the progress of compliance with approval conditions. Should the applicant fail to comply with any of the approval conditions again resulting in the revocation of the planning permission, sympathetic consideration might not be given by the Committee to any further application;
- (c) to resolve any land issue relating to the temporary development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the land under application site comprised Old Scheduled agricultural lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Letter of Approval No. MT/LM1806 was granted to allow for erection of agricultural structures on Lot No. 204 (now known as 204 RP) in D.D. 104. Change of use of the subject site would cause a breach of the terms of the Letter of Approval. No approval had been given for the specified 1 to 2 storeyed structures as site offices, cargo handling and forwarding facilities, shelters for loading/unloading, vehicle repair workshop and water tank; government land (GL) of about 515 m<sup>2</sup> had been included in the site for which no permission had been given for its occupation by his office. Ingress/egress of the site opened directly to Castle Peak Road – San Tin Section. His office did not guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owner would still need to apply to his office to permit structure to be erected or regularize any irregularities on-site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (e) to follow the latest “Code of Practice on Handling the Environmental

Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;

- (f) to note that the detailed comments of the Drainage Services Department were indicated at Appendix V of the RNTPC paper;
- (g) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations. Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; site offices, cargo handling and forwarding facilities, shelters for loading/unloading, vehicle repair workshop and water tank were considered as temporary buildings and were subject to control under Building (Planning) Regulations (B(P)R) Part VII; and formal submission under the BO was required for any proposed new works, including any temporary structures. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under B(P)R 19(3) at building plan submission stage. Provision of emergency vehicular access was applicable under B(P)R 41D;
- (h) to note the comments of the Director of Fire Services that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structures, the applicant should also be advised that : (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and (ii) the location of where the proposed FSI to be installed should be clearly marked on the layout plans; detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and should the applicant wish to apply

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

- (i) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures as prescribed at Appendix VI of the RNTPC paper.

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-ST/405            Proposed Temporary Warehouse for Storage of Electric Products for a Period of 3 Years in “Residential (Group D)” zone, Lots 149 RP, 150 RP, 151, 152 RP, 153 RP, 154, 155 (Part), 156 S.B RP (Part), 162 RP (Part), 164 RP (Part), 375 RP (Part) in D.D. 105 and Adjoining Government Land, San Tin, Yuen Long (RNTPC Paper No. A/YL-ST/405)

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

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

- (a) background to the application;
- (b) the proposed temporary warehouse for storage of electric products for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP)

advised that no pollution complaint against the site was recorded from 2008 to March 2011. However, according to the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites”, he did not support the application because the proposed temporary development would generate medium goods vehicle traffic and there were sensitive receivers in the vicinity of the site (i.e. a residential dwelling at about 32 m to the northwest, an another residential dwelling at about 20 m to the northeast of the site). Environmental nuisance affecting the nearby residential use was expected. Other concerned government departments had no objection/adverse comment on the application;

- (d) no public comment was received during the statutory publication period and the District Officer (Yuen Long) had no comment on the application; and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the proposed temporary warehouse for storage of electric products could be tolerated for a period of 3 years based on the assessments made in paragraph 11 of the Paper. The planning intention of the “Residential (Group D)” (“R(D)”) zone was primarily for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It was also intended for low-rise, low-density residential developments subject to planning permission from the Board. Although the proposed temporary development was not in line with the planning intention of the “R(D)” zone, approval of the application on a temporary basis for a period of 3 years would not frustrate the long-term planning intention of the “R(D)” zone as there was no immediate development proposal for this part of the zone. The proposed temporary development was not incompatible with the surrounding land uses, comprising mainly open storages of recyclable metal/containers/container trailers/tractors, warehouses, vehicle parks (including container vehicle parks) and vehicle/tyre repair workshops. While there were domestic structures located in close proximity to the site (the nearest being 20 m away), no environmental complaints had been

received in the past 3 years and there was also no public objection to this application. Given that the development was largely a covered structure for storage of electric products and the trip generation from the proposed development would be about 8 to 10 trips per day, and the applicant also indicated that no used electric goods would be stored at the site, environmental nuisance generated by the development would not be significant. However, in order to address DEP's concerns, approval conditions restricting the operation hours, types of vehicles and activities on-site as well as requiring maintenance of paving and boundary fencing were recommended to mitigate potential environmental nuisance to nearby residents. Besides, the applicant would be advised to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" to minimize potential environmental impacts. Technical concerns of government departments could be addressed by approval conditions. The approval conditions on submission and implementation of landscape and tree preservation proposal were still required because the accepted landscape and tree preservation proposal under previous Application No. A/YL-ST/373 was submitted by a different applicant. The site was the subject of 7 previously approved applications (No. A/YL-ST/71, 84, 96, 191, 282, 318 and 373) mainly for temporary container tractor/trailer park. The current application for proposed temporary warehouse for storage of electric products which did not involve the parking and storage of heavy goods vehicles and container trucks was in fact a less impact-generating use than the previous approved applications. Approval of the application was not inconsistent with the previous decisions of the Committee.

118. Members had no question on the application.

#### Deliberation Session

119. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the setting back of the southern boundary of the site to avoid encroachment on the works limit of the project 'Cycle Tracks Connecting North West New Territories with North East New Territories – Sheung Shui to Tuen Mun Section' as and when required by the Government to the satisfaction of the Director of Lands or of the TPB;
- (b) no night-time operation between 7:00 p.m. and 7:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no operation on Sundays and public holidays, as proposed by the applicant, was allowed on the site during the planning approval period;
- (d) no heavy goods vehicle (i.e. exceeding 24 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no car washing, vehicle repair, dismantling, paint spraying or other workshop activity was allowed on the site at any time during the planning approval period;
- (f) no storage of used electric product or appliance was allowed on the site at any time during the planning approval period;
- (g) the paving and boundary fencing on the site should be maintained at all times during the planning approval period;
- (h) the drainage facilities on the site should be maintained at all times during the planning approval period;
- (i) the submission of an as-built drainage plan and sections and photographic records of the existing drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2011;

- (j) the submission of the landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2011;
- (k) in relation to (j) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.3.2012;
- (l) the submission of buffer area proposal fronting Castle Peak Road – San Tin within 6 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.12.2011;
- (m) in relation to (l) above, the provision of buffer area fronting Castle Peak Road – San Tin within 9 months from the date of planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 17.3.2012;
- (n) the submission of run-in proposal within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.12.2011;
- (o) in relation to (n) above, the provision of run-in within 9 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.3.2012;
- (p) the submission of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.12.2011;
- (q) in relation to (p) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.3.2012;
- (r) the relocation of the ingress/egress of the site to facilitate the

implementation of the proposed sewage pumping station to the northeast of the site as and when required by the Government to the satisfaction of the Commissioner for Transport or of the TPB;

- (s) the setting back of the northeastern boundary of the site to avoid encroachment on the site of the proposed sewage pumping station as and when required by the Government to the satisfaction of the Director of Drainage Services or of the TPB;
- (t) if any of the above planning conditions (a), (b), (c), (d), (e), (f), (g), (h), (r) or (s) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (u) if any of the above planning conditions (i), (j), (k), (l), (m), (n), (o), (p) or (q) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (v) upon the expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) to resolve any land issue relating to the temporary development with the concerned owner(s) of the application site;
- (b) to note the comments of the District Lands Officer/Yuen Long that the land under application site comprised Old Scheduled agricultural lots held under Block Government Lease which contained the restriction that no structures were allowed to be erected without the prior approval of the Government. Modification of Tenancy No. M17019 was granted to allow for erection of domestic and agricultural structures on Lots No. 151 and 152 RP. Change

of use of the site would cause a breach of the terms of the Modification of Tenancy. No approval had been given for the specified structures as single-storey site offices and warehouses; government land (GL) of about 433 m<sup>2</sup> had been included into the site of which no permission had been given for its occupation by his office. The application site was accessible from Castle Peak Road – San Tin via a short stretch of GL. His office provided no maintenance work for this GL and did not guarantee right-of-way. Should planning approval be given to the subject planning application, the lot owner would still need to apply to his office to permit structures to be erected or regularize any irregularities on-site. The occupier would also need to apply to his office for occupation of the GL involved. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fees, as might be imposed by LandsD;

- (c) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding areas;
- (d) to note the comments of the Director of Agriculture, Fisheries and Conservation that the applicant should adopt good site practices and necessary measures to avoid causing water pollution to the nearby watercourse;
- (e) to note that the detailed comments of the Drainage Services Department were indicated at Appendix IV of the RNTPC paper;
- (f) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that the granting of the planning approval should not be construed as condoning to any unauthorized structures existing on the site under the Buildings Ordinance (BO) and the allied regulations.

Actions appropriate under the said Ordinance or other enactment might be taken if contravention was found; and formal submission of any proposed new works, including any temporary structure for approval under the BO was required. If the site did not abut on a specified street having a width not less than 4.5m, the development intensity should be determined under Building (Planning) Regulations 19(3) at building plan submission stage. Detailed comments on the proposal would be made at formal building plans submission stage;

- (g) to note the comments of the Fire Services Department (FSD) that fire service installations (FSIs) were required in consideration of the design/nature of the proposed structures. The applicant was advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. In formulating FSIs proposal for the proposed structure, the applicant should observe the requirements as indicated at Appendix V of the RNTPC paper. The applicant should also note other advice of FSD at Appendix V of the RNTPC paper; and
- (h) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, the applicant should carry out the measures as prescribed at Appendix VI of the RNTPC paper.

[Ms. Anna Kwong arrived to join the meeting at this point.]

**Agenda Item 37**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/719            Temporary Vehicle Park for Private Cars and Light Goods Vehicles  
for a Period of 3 Years in “Village Type Development” zone,  
Lots No. 1119 (Part), 1120 (Part) and 1121 RP (Part) in D.D. 125  
and Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/719)

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**Presentation and Question Sessions**

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

- (a)    background to the application;
- (b)    the temporary vehicle park for private cars and light goods vehicles for a period of 3 years;
- (c)    departmental comments –the Director of Environmental Protection (DEP) advised that one air pollution complaint and one noise pollution complaint against the site were received in 2010. She had no objection to the application. The applicant was advised to follow the latest ‘Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites’ (COP) to minimize any potential environmental nuisance. the Director of Fire Services had no objection in principle to the application. However, he considered that parking of oil tanker trucks involved significantly greater fire risks and should therefore be prohibited. The Commissioner for Transport (C for T) advised that the nearby residents usually park their vehicles near their houses free of charge, and might not be willing to park their vehicles in the subject vehicle park with charges. The vehicle park would likely serve vehicles from the areas outside the villages. This would induce additional traffic flow on the adjacent San

Sik Road, which was a single track and may not be able to cope with this additional flow. However, the Transport Department (TD) informed PlanD just before the meeting that he had no comment on the application as the applicant had confirmed in his letter dated 2.3.2011 (Appendix Ib of the Paper) that the targeted user of the proposed vehicle park was the nearby residents and no additional traffic flow on San Sik Road was anticipated;

- (d) two public comments were received during the statutory publication period. A Sik Kong Wai villager objects to the application on the grounds of that the site is close to his dwelling and the development would cause noise pollution and disturbance to him. Designing Hong Kong Limited objected to the application on the grounds that the development would cause adverse environmental, landscape, traffic and drainage impacts on the surrounding areas. The commenter considered that adequate parking facilities and similar uses already existed in the area. She was of the view that parking availability was an important traffic demand management tool to control traffic flows within Hong Kong's limited road capacity, and over provision of parking spaces would reduce the costs of car use, thereby promoting car use and car ownership, which was against the territory's transport policy. She considered that a condition requiring a quality landscape plan and well-designed interface with the public domain, including the design of the perimeter with a setback of the fencing and inclusion of a green buffer, should be imposed to mitigate the blight should the application be approved. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – although the public vehicle park could serve the needs of residents in nearby villages, namely Tseung Kong Wai, San Wai, Sik Kong Tsuen and Sik Kong Wai, and was therefore not in conflict with the planning intention of "Village Type Development" ("V") zone, the District Lands Officer/Yuen Long, Lands Department advised that part of the government land within the site had been earmarked for 4 proposed Small House developments to be granted by way of private treaty. In this regard, approval of the application would frustrate the

planning intention of the “V” zone on the OZP which was primarily intended for development of Small Houses by indigenous villagers. While the application only proposed 10 spaces for the parking of private cars and light goods vehicles, the site was about 1,514 m<sup>2</sup> and could physically accommodate many more (possibly up to 50) vehicles. Besides, a heavy goods vehicle exceeding 24 tonnes and an oil tanker truck exceeding 5.5 tonnes had been observed on-site. Should the Committee approve the application after taking into account the latest view of TD, approval condition to limit the number of vehicles within the site could be imposed. The application could be revoked if the applicant violated the approval condition.

122. Members had no question on the application.

#### Deliberation Session

123. In view of TD’s latest comment on the application, Mr. T.K. Choi suggested deleting the proposed rejection reason in para. 12.1(b) of the Paper, if the Committee decided to reject the application.

124. In response to the Chairman’s enquiry, Mr. Ernest Fung, STP/TMYL, replied that the applications for the proposed four Small House within the application site were still under processing by LandsD.

125. The Secretary said that planning application for vehicle park for private cars within “V” zone would normally be approved by the Committee. However, taking into account the large size of the carpark and TD’s adverse comments on the application, PlanD recommended rejection of the application. As TD had indicated that he had ‘no comment’ on the application, Members might consider whether the application should be approved and requested the applicant to setback from the proposed Small House sites. Members might also consider if it was necessary to restrict the number of vehicles to be parked in the application site by imposing an approval condition.

126. A Member asked what the stance of PlanD was with the change in position of TD.

If PlanD had no objection to the application, this Member would consider approving the proposed use on the basis that only 10 vehicles would be allowed in the carpark, as proposed by the applicant. It would also be better for the applicant to liaise with LandsD on the appropriate site boundary. If there were changes to the site boundary in future, the applicant could apply to the Committee for revision. The Chairman said that PlanD would normally have no objection to vehicle park for private cars within “V” zone.

127. With reference to Plan A-4a of the Paper showing two containers for office use, another Member asked why two containers were required for office use for a carpark with 10 number of cars. Mr. Ernest Fung replied that the applicant had agreed to remove one of them should the Committee approve the subject application.

128. Another Member said the applicant should be advised to apply to LandsD for the proposed use in the application site. The Chairman responded that relevant advisory clause (e) had been suggested.

129. The Chairman concluded that Members generally had no objection to the application and agreed that an approval condition to restrict the parking of 10 number of private cars within the application site should be added.

130. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 17.6.2014, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) the number of vehicles within the application site should not exceed 10, as proposed by the applicant, during the planning approval period;
- (b) no night time operation (i.e. no vehicular movement in/out/within the site) between 8:00 p.m. to 8:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (c) no vehicle other than private cars and light goods vehicles with valid licence/registration and not exceeding 5.5 tonnes, as defined in the Road Traffic Ordinance, as proposed by the applicant, was allowed to be

parked or stored on the site during the planning approval period;

- (d) a notice should be posted at a prominent location of the site to indicate that no medium or heavy goods vehicle (i.e. exceeding 5.5 tonnes) including container trailers/tractors as defined in the Road Traffic Ordinance was allowed to be parked/stored on the site during the planning approval period;
- (e) no parking of oil tanker trucks or any other dangerous goods vehicles was allowed on the site during the planning approval period;
- (f) the submission of a drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2011;
- (g) in relation to (f) above, the implementation of the drainage proposal within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.3.2012;
- (h) the submission of fire service installations proposals within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.12.2011;
- (i) in relation to (h) above, the implementation of the fire service installations proposals within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 17.3.2012;
- (j) the submission of a landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2011;
- (k) in relation to (j) above, implementation of the landscape proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.3.2012;

- (l) the construction of an intercept channel at the site entrance to prevent run-off flowing out from the site to the nearby public roads and drains through the access point within 6 months from the date of planning approval to the satisfaction of the Director of Highways or of the TPB by 17.12.2011;
- (m) the removal of a converted container within the site and the associated open shed within 6 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2011;
- (n) the provision of fencing of the site within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2011;
- (o) if any of the above planning conditions (a), (b), (c), (d) or (e) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (p) if any of the above planning conditions (f), (g), (h), (i), (j), (k), (l), (m) or (n) was not complied with by the above specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.

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

- (a) prior planning permission should have been obtained before commencing the development on the site;

- (b) the permission was given to the use/development under application. It did not condone to the parking of heavy goods vehicles/oil tanker trucks exceeding 5.5 tonnes as defined in the Road Traffic Ordinance or any other use/development which might currently exist on the site but not covered by the application. The applicant should take immediate action to discontinue such use/development not covered by the permission;
- (c) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (d) to note the comments of the District Lands Officer/Yuen Long that the land under the site comprised Old Scheduled agricultural lots held under the Block Government Lease which contained the restriction that no structure was allowed to be erected without the prior approval of the Government; the applicant was required to apply to him to permit any structure to be erected or regularize any irregularities on-site, and the occupation of the government land (GL) involved. Such application would be considered by Lands Department (LandsD) acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as might be imposed by LandsD. He did not provide maintenance for nor guarantee right-of-way of the site's access via a short stretch of GL and other private land leading to San Sik Road;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites' issued by the Director of Environmental Protection to minimize any potential environmental nuisance;
- (f) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site from a public road should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the

relevant lands and maintenance authorities accordingly;

- (g) to note the comments of the Director of Fire Services that portable hand-operated approved appliances should be provided as required by occupancy and should be clearly indicated on plans for the temporary public vehicle park. Detailed fire safety requirements would be formulated upon receipt of formal submission of layout plan(s). The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed fire service installations (FSIs) were to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant was required to provide justifications to him for consideration; and
  
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department to remove the existing structures that apparently had not obtained approval under the Buildings Ordinance (BO); that temporary buildings were subject to control under the Building (Planning) Regulations Part VII; and formal submission under the BO was required for any proposed new works, including any temporary structures.

**Agenda Item 38**

Section 16 Application

[Open Meeting]

A/YL-HT/725

Proposed Low-Density Residential Development and  
Minor Relaxation of Building Height Restriction  
in “Residential (Group D)” zone,  
Lots No. 163 S.A, 163 S.B, 164, 165 S.B (Part), 165 RP (Part),  
166 RP, 167 RP, 168, 169, 170 and 171 in D.D.128 and  
Adjoining Government Land, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/725)

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132. The Secretary reported that LLA Consultancy Ltd. (LLA) was one of the consultants of the applicant. Ms. Anna Kwong who had current business dealings with LLA had declared an interest in this item. As the applicant had requested for a deferment of the consideration of the application, the Committee agreed that Ms. Kwong could stay in the meeting.

133. The Committee noted that the applicant's representative requested on 1.6.2011 for deferment of the consideration of the application for two months in order to allow time to address departmental comments and concerns.

134. After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. The Committee also agreed to advise the applicant that two months were allowed for preparation of the submission of the further information, and since a total of 4 months of deferment had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 39**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/499      Proposed Houses  
in "Other Specified Uses" annotated "Rural Use" zone,  
Lot 618 RP in D.D. 106, Kam Sheung Road, Yuen Long  
(RNTPC Paper No. A/YL-KTS/499)

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135. The Secretary reported that Environ Hong Kong Ltd. (Environ) was one of the consultants of the applicant. Ms. Anna Kwong who had current business dealings with Environ had declared an interest in this item. As Ms. Kwong had no direct involvement in the subject application, the Committee agreed that she could stay in the meeting.

Presentation and Question Sessions

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

- (a) background to the application highlighting that the site was the subject of two previous Applications No. A/YL-KTS/438 and No. A/YL-KTS/455 Application No. A/YL-KTS/438 for proposed development of ten 3-storey houses and minor relaxation of plot ratio restriction from 0.4 to 0.592 was rejected by the Committee on 5.9.2008 on the grounds that the proposed minor relaxation of plot ratio was not considered minor and no design merit or strong justification had been given in the submission to merit a relaxation of the plot ratio restriction of the “Other Specified Uses” annotated “Rural Use” ("OU(RU)") zone; the proposed development did not comply with the Town Planning Board (TPB) Guidelines No. 38 in that there was insufficient information in the submission to address the concerns on the environment, landscape and drainage aspects; and the approval of the application would set an undesirable precedent for other similar applications in the "OU(RU)" zone. The last Application No. A/YL-KTS/455 for proposed development of ten 3-storey houses with plot ratio of 0.4 was rejected by the Committee on 19.3.2010 on the grounds that the proposed development did not comply with the TPB Guidelines No. 38 in that the applicant failed to address the departmental concerns on the environment, visual and drainage aspects;
- (b) the proposed houses;
- (c) departmental comments – the Director of Environmental Protection (DEP) commented that with the noise mitigation measures proposed in the scheme, the industrial noise daytime and evening noise limit would be marginally complied with. The applicant undertook not to sell houses if operation of the coach storage cum assembly workshop located to the immediate south of the site under planning Applications No. A/YL-KTS/462 and 479 existed and/or its planning permission remained valid. This was an

essential element of the current application. It relied on whether practicable and enforceable conditions could be imposed under the Town Planning Ordinance to ensure that the undertaking would be fulfilled by the applicant. Any night time activities in the existing industrial uses around the site would likely cause exceedance of the more stringent night time noise limit. While the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application from the urban design perspective, she had some reservations on the application from the landscape planning perspective. In general, she had doubts over the feasibility of the design and the peripheral landscaping remained quite weak, in particular along the side facing Kam Sheung Road. Regarding the supplementary information, the submitted figures were mainly computer generated photomontages, which was not sufficient to alleviate her concerns on the feasibility of the greening treatment on the proposed 9 m tall noise barriers. However, these concerns could be dealt with when the landscape proposal was formally submitted for compliance with approval conditions should the application be approved by the Board. The Chief Architect/Advisory and Statutory Compliance, Architectural Services Department (CA/ASC, ArchSD) advised that the 9m high noise barriers were out of proportion in the immediate rural neighbourhood, and were therefore considered undesirable from a visual impact point of view. Other concerned government departments had no objection/adverse comment on the application;

- (d) a total of 16 public comments were received during the statutory publication period. 7 commenters objected/strongly objected to or expressed concerns on the application mainly on the grounds that the proposed development including the noise barriers would spoil the rural environment and there was concern on the interface problems between the proposed houses and the surrounding areas. Besides, the proposed development would cause adverse traffic, drainage and noise impacts and flooding problem, and would affect the fung shui of Shek Wu Tong Tsuen. In addition, since the future residents of the proposed development would complain about the noise from the nearby workshops or establishments, the

workshops would have to be relocated due to the complaints thereby affecting the livelihood of a large number of the workers working in these workshops. The other 9 commenters supported the application as the proposed development would replace the existing temporary open storage/warehouse developments in the vicinity and improve the local environment. The District Officer (Yuen Long) received a public comment from a Yuen Long District Councillor which was the same as one of the public comments received during the statutory publication period; and

- (e) the Planning Department (PlanD)'s views –PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper which were summarised below:
  - (i) the proposed development was in line with the planning intention of the “OU(RU)” zone to preserve the rural character of the area. The proposed plot ratio of 0.4 and building height of 3 storeys (9m) including carport also complied with the development restrictions of the “OU(RU)” zone and the proposed development was considered compatible with the surrounding areas mixed with residential dwellings/structures, agricultural lots, orchards, kennels, a church, a restaurant and vacant/unused land. Most of the open storage yards, warehouses, workshops and the parking lot in the area were either suspected unauthorized developments subject to enforcement action taken by the Planning Authority or covered by valid planning permission on temporary basis. To materialize the planning intention of the “OU(RU)” zone, consideration could be given to phase out the incompatible uses permitted on a temporary basis when their terms expired;
  - (ii) according to the Town Planning Board (TPB) Guidelines No. 38, the proposed development within the “OU(RU)” zone should also be sustainable in environmental and infrastructural terms. In this regard, the site was adjacent to Kam Sheung Road and located in the vicinity of some industrial uses such as open storage yards,

workshops and warehouses. The environmental assessment (EA) submitted by the applicant had demonstrated that the proposed development with the proposed environmental mitigation measures would comply with the traffic and industrial noise limits and DEP had no adverse comment on the application. While DEP was still concerned about the night time noise from the nearby industrial operations, no night-time industrial activity was found according to the applicant's on-site visits conducted between April 2010 and September 2010, and it was the intention to phase out the existing non-conforming industrial operations in the area;

- (iii) the application, if approved, would serve as a catalyst to phase out the non-conforming and undesirable industrial uses in the vicinity of the site and help achieve an early implementation of the planning intention of the "OU(RU)" zone so as to upgrade the environmental quality of the area. It should be noted that the provision of 9 m high noise barriers and the adoption of Single Aspect Building (SAB) design for the proposed houses were necessary to minimize the traffic and industrial noise impacts from the surroundings. With these noise mitigation measures, DEP considered that the industrial noise daytime and evening noise limit would be marginally complied with. The height of the noise barriers at 9 m also did not exceed the height restriction of the "OU(RU)" zone and were only provided at the sides facing the industrial uses while the main frontage of the development along Kam Sheung Road would only be lined with 3m high boundary walls. An approval condition on the submission and implementation of landscape and tree preservation proposals covering the design and mitigation measures to alleviate the visual impact of the noise barriers/boundary walls was recommended to minimize the visual and landscape impacts of the proposed development and noise barriers. Hence, on balance, the catalytic effect of the proposed development and the benefit to the overall environment in the area resulting from the phasing out of undesirable uses provided justifications for favourable consideration

of the application, despite the potential visual and landscape impacts.

- (iv) as the EA assumed that the temporary industrial operations located to the immediate south of the site under Applications No. A/YL-KTS/462 and 479 would cease operation at the time of occupation of the site, the applicant undertook that no house would be sold and no Occupation Permit (OP) should be granted if the planning approvals of these temporary industrial operations were valid or their operations remained active. An approval condition reflecting the applicant's proposed undertaking prohibiting pre-sale/sale and construction of the proposed houses prior to the cessation of the operation of the temporary industrial uses located to the immediate south of the site was recommended. Moreover, the applicant would be advised that approval of building plans would not be supported prior to cessation of the industrial-related uses; and
  
- (v) regarding the 7 public comments objecting to the application, approval condition on the design and mitigation measures to alleviate the visual impact of the noise barriers was recommended. On the industrial/residential (I/R) interface problem and the possible relocation of the nearby workshops, the incompatible uses such as open storage yards, workshops, warehouses etc. should be phased out in the future. The EA submitted by the applicant had demonstrated the environmental acceptability of the proposed development. DEP also had no adverse comment on the application and the approval condition to prohibit pre-sale/sale and construction of the proposed houses before cessation of the concerned industrial-related uses had been suggested. As for the concerns on the traffic, drainage and noise impacts and flooding problem, relevant government departments had no adverse comment on the application.

137. A Member asked how PlanD could enforce the approval condition (a) to prevent the pre-sale/sale and construction of the proposed development prior to cessation of the industrial-related uses south of the site. Mr. Kepler Yuen, STP/TMYL, replied that the applicant had suggested that no house would be sold and no Occupation Permit (OP) should be granted if the industrial operations located to the immediate south of the application site remained active. However, in order to ensure more proper control on the situation, approval condition (a) was proposed requiring that the pre-sale/sale and construction of the proposed development should not commence prior to the cessation of the industrial-related uses to the immediate south of the application site. An advisory clause (a), was also proposed to inform the applicant clearly that approval of the building plans for the proposed development would not be supported by PlanD prior to the cessation of those industrial-related uses.

138. The same Member asked whether the lease would include such restriction. The Chairman said that PlanD would recommend rejection of the building plans of the subject development if the approval condition (a) had not been fulfilled. As regards lease control, Ms. Anita Lam said that normally LandsD would only include the permitted use and development parameters into the lease conditions but not restriction on the time of pre-sale and sale and occupation of the development. She however pointed out that the lease would normally contain a building covenant requiring construction and completion of the development before a specified date. In addition, the lease condition would not contain any control on the adjacent lot.

139. Mr. H.M. Wong said that it might be difficult to fulfill approval condition (a) as the neighbouring industrial-related uses to the south of the site could continue to operate under its current permission. Mr. Kepler Yuen said that there were two industrial-related operations in the immediate surrounding of the application site. The one to the west was covered by a previously approved planning application (No. A/YL-KTS/479) for open storage of coaches and vehicles with workshop which was revoked on 4.10.2010. The other one to the south was covered by a valid planning permission (Application No. A/YL-KTS/462) for temporary parking of bus chassis and new coaches with ancillary parts assembly approved on 27.3.2009 up to 27.3.2012. These two industrial-related operations would have to be removed when their planning permissions lapsed or were revoked.

Deliberation Session

140. A Member supported the application as this was the first application to implement the planning intention of the “Other Specified Uses (Rural Use)” (“OU(RU)”) zone. However, it seemed that there was uncertainty on the fulfilment of condition (a). The Member asked if alternative such as setting of the maximum tolerable noise level for the units facing the industrial-related operations would be explored. There would be undesirable impact on the practicality of “OU(RU)” zoning if the current application could not be implemented. This Member also considered that the Board should not approve any incompatible industrial uses after the approval of this application so as to ensure that the planning intention of the “OU(RU)” zone would be achieved. The Chairman considered that the approval of this application could serve as a catalyst to encourage development to achieve the planning intention of the “OU(RU)” zone. He also agreed that any renewal of planning applications of the industrial-related uses to the south of the site should not be approved. Noting that it was the suggestion of the applicant that no OP should be granted and no house should be sold prior to the cessation of the industrial operations to the south of the application site, the Secretary said that it would not be appropriate to make reference to the date of OP issuance as it would be too late to take enforcement when the development was completed. It would be better to ensure compliance of the condition at an earlier stage before the construction of the development started. An approval condition requiring that pre-sale /sale and construction of the proposed development should not commence prior to the cessation of the industrial-related uses to the immediate south of the application site was therefore suggested. Under this approval condition, at the building plans submission stage, if the industrial-related uses to the south were still in operation, PlanD would recommend rejection of the building plans of the subject proposed development. If the applicant was aggrieved by this approval condition, he had the right to apply to the Board for a review of the approval condition.

141. Mr. H.M. Wong opined that residential development at the subject location would be desirable if the industrial-related uses could be phased out. He also agreed that building plans should not be approved when the pollution source had not been removed. It was also important to clearly convey to the applicant as suggested in advisory clause (a) that building plans would not be approved prior to the cessation of the industrial-related uses to the south of the application site. However, he was sympathetic to the applicant as it was

outside the applicant's control when the concerned industrial-related uses would be relocated. The Chairman said that industrial-related uses would be phased out if the concerned planning permissions were not renewed.

142. A Member opined that it was more appropriate to make reference to the building plan approval rather than the pre-sale stage of the development. In response to the Chairman's enquiry, Ms. Anita Lam replied that for new grant lots, LandsD would not permit the pre-sale of the development prior to the approval of building plans. She also supplemented that LandsD had no power to unilaterally amend the lease conditions of the adjacent lots to prohibit the owners from exercising their rights under their lease(s).

143. A Member opined that the Committee had the responsibility to avoid industrial/residential interface problem. This application was approved based on the fact that the incompatible industrial-related uses would be phased out and hence residential development would be suitable at the subject location. However, the suggested approval condition (a) and advisory clause (a) seemed to have put the responsibility onto the applicant. The Chairman explained that the Committee could refuse to renew applications for the surrounding industrial-related uses and there was enforcement power on any unauthorized development at these locations. Moreover, it was the applicant's proposal that condition could be imposed to restrict the timing of occupation of the residential development after the cessation of the industrial-related uses. Moreover, the applicant had the right to apply for a s.17 review of the planning condition. The Secretary added that for the "OU(RU)" zone, the planning intention was for uses compatible with the rural landscape, with a view to upgrading or improving the area. The applicant had the responsibility to demonstrate that the proposed development would be sustainable in all terms. Therefore, approval condition (a) was suggested to help facilitate the implementation of the proposed scheme. Mr. H.M. Wong supplemented that the applicant had assumed that the two industrial-related uses to the south of the site would be phased out in the noise impact assessment. Therefore, it was reasonable to impose condition, as suggested by the applicant, not to have OP granted before the industrial-related operations were moved out.

144. Another Member asked whether the Committee should take into account the approval of the subject residential development in the consideration of the renewal application for the parking of bus chassis and new coaches to the south of the site, bearing in

mind that each application should be considered on its individual merits. The Chairman responded that the renewal application should not be approved as the planning intention of “OU(RU)” zone was not intended for open storage uses and there was a change in planning circumstances such as the approval of the subject residential development. The Secretary explained that the planning intention of “OU(RU)” zone was to phase out the non-conforming uses. As there was difficulty in implementing development on “OU(RU)” zone, the Board had approved some temporary uses at “OU(RU)” zone in the past few years.

145. A Member asked if the operator or landowner of the surrounding industrial-related uses would be informed of the fact that further renewal of the non-conforming industrial-related uses would not be approved. The Chairman said that PlanD could help convey such message to the operators or landowners.

146. The Chairman concluded that Members generally agreed to approve the application. For approval condition (a), Members agreed that there was no need to restrict the “pre-sale/sale” of the proposed development.

147. After further deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 17.6.2015, 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) construction of the proposed development should not commence prior to cessation of the industrial-related uses to the immediate south of the application site (Plan A-2 of the RNTPC paper);
- (b) the submission and implementation of landscaping and tree preservation proposals covering the design and mitigation measures to alleviate the visual impact of the noise barriers/boundary walls to the satisfaction of the Director of Planning or of the TPB;
- (c) the design and provision of parking facilities, loading/unloading spaces and lay-bys for the proposed development to the satisfaction of the

Commissioner for Transport or of the TPB;

- (d) the setting back of the site boundary along Kam Sheung Road for road widening, as proposed by the applicant, to the satisfaction of the Commissioner for Transport or of the TPB;
- (e) the submission of a revised Drainage Impact Assessment and provision of drainage facilities identified therein to the satisfaction of the Director of Drainage Services or of the TPB;
- (f) the submission of a detailed Archaeological Investigation to assess the archaeological impact of the proposed works at the site before any construction works commenced at the site and implementation of appropriate mitigation measures if the site was proved to be of archaeological significance to the satisfaction of the Executive Secretary of the Antiquities and Monuments Office, Leisure and Cultural Services Department or of the TPB; and
- (g) the design and provision of water supplies for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) in connection with the approval condition (a), the applicant should be advised that approval of building plan for the proposed development would not be supported prior to cessation of the industrial-related uses to the immediate south of the site under Applications No. A/YL-KTS/462 and 479;
- (b) the approval of the application did not imply that any proposal on building design elements to fulfil the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be

approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the site fell within the private lot No. 618RP in D.D. 106. The lot was an Old Scheduled Lot demised for agricultural use. Should the application be approved, the lot owner would still have to apply to LandsD for a land exchange for implementing the proposed development. There was no guarantee that the land exchange application would eventually be approved. Such application, if it was approved by LandsD acting in the capacity as the landlord at its sole discretion, would be subject to such terms and conditions including amongst others the payment of premium and administrative fee as might be imposed. The site fell within the village 'environs' of Ng Ka Tsuen. Under the prevailing small house policy, land falling within the village 'environs' was primarily preserved for small house development by indigenous villagers. There was no guarantee that the land exchange would be considered by the Government;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that detailed consideration would be made at building plan submission stage;
- (e) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that the current noise barrier design with transparent materials for the upper portion and vertical greening on the lower portion would appear to be relatively artificial. More naturalistic design was preferable. Moreover, the feasibility of the design and the peripheral landscaping remained quite weak, in particular along the side facing Kam Sheung Road. These concerns should be dealt with when the

landscape proposal was formally submitted for compliance with approval conditions;

- (f) to note the comments of the Chief Architect/Advisory & Statutory Compliance, Architectural Services Department that the two sides of the housing unit would have solid walls while fixed glazing was proposed on one side, leaving only one side of the house with openable windows for natural ventilation. It might be reviewed whether such arrangement would be desirable in a rural living environment;
- (g) to note the comments of the Commissioner for Transport that Buildings Department and Fire Services Department should be consulted on the provision of internal road and emergency vehicle access for the proposed development;
- (h) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that if Transport Department agreed, a run-in should be constructed at the access point in accordance with the latest version of HyD Standard Drawing Nos. H1113 and H1114 or H5133, H5134 and H5135, whichever set as appropriate, to match the pavement type of adjacent footpath. His department was not/should not be responsible for the maintenance of any vehicular access connecting the site and Kam Sheung Road;
- (i) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that based on Plan D4a in the revised Drainage Impact Assessment, the details of the proposed stormwater manhole and the connection details between the proposed stormwater terminal manhole and the proposed catchpit CP1 should be provided. Besides, the sizes of the proposed catchpit, the proposed stormwater drains and the proposed u-channels near Houses No. 1 to 3 and Kam Sheung Road should be shown on Plan D4a. Moreover, the development should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc. In addition, the applicant should consult DLO/YL of

LandsD and seek consent from the relevant owners for any works to be carried out outside his lot boundary;

- (j) to note the comments of the Director of Leisure and Cultural Services that the Archaeological Investigation should be conducted by a qualified archaeologist who had obtained a licence from the Antiquities Authority under the Antiquities and Monuments Ordinance (Cap. 53);
- (k) to note the comments of the Director-General of Civil Aviation that as air traffic of the Hong Kong International Airport (HKIA) increased, there was a possibility that take-offs of aircraft would take place from both runways of the HKIA independently. Under this scenario, there would be a departure flight path close to the site. Therefore, the developer of the site should note that under such scenario, the site would be affected by aircraft noise, and the noise might be particularly audible when the background noise was low. Besides, as the site was in the vicinity of the Shek Kong aerodrome, it might be affected by aircraft noise when there were aircraft operations at Shek Kong aerodrome;
- (l) to note the comments of the Director of Electrical and Mechanical Services that the applicant should approach the electricity supplier for the requisition of cable plans to find out whether there was any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans obtained, if there was underground cable (and/or overhead line) within or in the vicinity of the site, prior consultation and arrangement with the electricity supplier was necessary for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department. Prior to establishing any structure within the site, the applicant and/or his contractors should liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the

Electricity Supply Lines (Protection) Regulation should be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines; and

- (m) to note the comments of the Director of Fire Services that the emergency vehicular access provision in the site should comply with the standard as stipulated in Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under Building (Planning) Regulations 41D. Detailed fire service requirements would be formulated upon receipt of formal submission of general building plans.

#### **Agenda Item 40**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/273            Proposed House and Minor Relaxation of Building Height Restriction in “Residential (Group D)” and “Village Type Development” zones, Lot 5288 in D.D. 116, Tai Tong Road, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/273)

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

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

- (a) background to the application;
- (b) the proposed house and minor relaxation of building height restriction;
- (c) departmental comments – concerned government departments had no objection/adverse comment on the application;
- (d) the public comments received during the statutory public inspection period

were summarised below:

- (i) three public comments were received on the application. The first comment was from a public member who stated that the proposed house and minor relaxation of building height restriction was a very bad sample for other similar house development projects. He considered that the plot ratio should be 0.2 instead of 0.4. Furthermore, “Residential (Group D)” (“R(D)”) and “Village Type Development” (“V”) zones development should not be mixed to develop. The other two comments were from the Hung Tso Tin Tsuen indigenous villagers’ welfare society and the Shung Ching San Tsuen concern group. Both groups objected to the application as they considered that whilst the land adjacent to Shung Ching San Tsuen was zoned for “R(D)” on the OZP in 1990 but no application had ever been made for building the concerned houses within the zone in the past 20 years. It proved that the planned land use was incompatible with the surrounding land uses. Indeed, the “V” site adjacent to the site was intended for development of Small Houses by four villages, namely Shung Ching San Tsuen, Hung Tso Tin Tsuen, Shui Tsiu Lo Wai and Nam Hang Tsuen. The land of the “R(D)” zone should be rezoned to “V” so as to meet the future demand on “V” sites by Shap Pat Heung. The current application would set an undesirable precedent if approval was granted.
- (ii) during the statutory public inspection period of the first further information submitted by the applicant, another four public comments were received on the application. The first three comments were from the Hung Tso Tin Tsuen indigenous villagers’ welfare society, Shung Ching San Tsuen concern group, and village representative of Shung Ching San Tsuen. The three groups objected to the application as they considered that the redevelopment of the 2-storey house on-site to 4 nos. of 3-storey houses might be developed for sale but not for the use of the owner’s family. The development of the luxurious houses in the neighbourhood would

destroy the social harmony. The proposed minor relaxation of building height restriction would set an undesirable precedent if approval was granted. Also, the further information submitted only included a tree survey report without addressing the noise, drainage, sewerage issues that might affect the surrounding areas. Another comment was from Designing Hong Kong Limited. The company objected to the proposed minor relaxation of building height restriction as there was no evidence of overriding need or public gain;

- (iii) during the statutory public inspection period of the second further information submitted by the applicant, four similar public comments from the Hung Tso Tin Tsuen indigenous villagers' welfare society, Shung Ching San Tsuen concern group, village representative of Shung Ching San Tsuen, and Designing Hong Kong Limited as the previous comments made had been received on the application. The Hung Tso Tin Tsuen indigenous villagers' welfare society, Shung Ching San Tsuen concern group, and village representative of Shung Ching San Tsuen objected to the application on the previous grounds and said that there was another house application being processed nearby (Application No. A/YL-TT/284), the current application if approved would set an undesirable precedent for other applications. Designing Hong Kong Limited maintained its objection to the proposed minor relaxation of building height restriction as there was no evidence of overriding need or public gain; and
- (iv) no local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. A majority of the site was zoned “R(D)” (about 65%) and the remaining part of the site was zoned “V” (about 35%) on the Tai Tong OZP. The site was

a New Grant lot for private residential purpose executed in 1975. According to the lease, the site was permitted for residential development not exceeding a height of 2 storeys and 25 feet (7.62m) above the mean formation level, and maximum built-over area of 1,600 square feet (about 148.64m<sup>2</sup>). As claimed by the applicant, an existing house of 2 storeys with a total GFA of about 307.14m<sup>2</sup> and site coverage of about 8% was erected on the site. The proposed development of the site for four 3-storey houses was in line with the planning intention of the “R(D)” zone for low-rise, low density residential developments and conformed with the restrictions for the zone. The site was located at the edge of Sham Chung Tsuen, but did not fall within any village ‘environs’. It is considered that the proposed building bulk and height of the proposed development was not incompatible with the surrounding village environment and significant visual and landscape impacts arising from the proposed development was unlikely. The proposed development intensity (plot ratio 0.4 and 3 storeys in height) and minor relaxation of building height restriction from 8.23m to 9m (including carport) in the “V” zone portion of the site was considered not excessive. Besides, the restriction of 8.23m reflected the requirement of New Territories Exempted House (NTEH), but the subject proposed development did not involve NTEH. The average floor-to-floor height of 3m was considered reasonable. The proposed development was not envisaged to impose any significant impacts on the surrounding area nor overstrain the capacity of existing and planned infrastructure. Regarding the public comments, it was noted that as the site was covered by a house lot granted in 1975 which had building status already, development of Small House on the site would not materialize. The proposed minor relaxation of building height restriction was considered not excessive. The proposed houses were not incompatible with the surrounding village environment. Also, concerned Government departments had no adverse comments on the possible impacts that might bring about by the proposed development. The application No. A/YL-TT/284 quoted by the commenters was situated to the south of the site and was zoned “R(D)” in whole. The application would be considered by the Committee in due course. Each proposed development would be considered by the Board on its individual

planning merits.

150. Members had no question on the application.

#### Deliberation Session

151. 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 17.6.2015, 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 vehicular access arrangement proposal to the satisfaction of the Director of Highways 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 submission and implementation of tree preservation and landscape proposals to the satisfaction of the Director of Planning or of the TPB; and
- (d) the submission and implementation of water supplies for fire fighting and fire service installations proposals to the satisfaction of the Director of Fire Services or of the TPB.

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

- (a) the approval of the application did not imply that any proposal on building design elements to fulfill the requirements under the Sustainable Building Design Guidelines, and any proposal on bonus plot ratio and/or gross floor area (GFA) concession for the proposed development would be approved/granted by the Building Authority. The applicant should approach the Buildings Department direct to obtain the necessary approval. If the building design elements and the GFA concession were not

approved/granted by the Building Authority and major changes to the current scheme were required, a fresh planning application to the Board might be required;

- (b) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the applicant had to apply to the LandsD for a lease modification/land exchange. However, there was no guarantee that the lease modification/land exchange application would be approved. Such application, if approved by LandsD acting in the capacity as the landlord at its sole discretion, would be subject to such terms and conditions including, among others, the payment of premium and administrative fee as might be imposed;
- (c) to note the comments of the Commissioner for Transport that the land status of the proposed access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed vehicular access arrangement of the site from Tai Tong Road should be commented and agreed by Transport Department (TD). If TD agreed on the proposed vehicular access arrangement, the applicant should construct a run-in/out at the vehicular access point at Tai Tong Road in accordance with the latest version of Highways Standard Drawings No. H1113 and H1114, or H5133, H5134 and H5135, whichever set was appropriate, to match with the existing pavement. Adequate drainage measures should be provided at the vehicular access to prevent surface runoff flowing from the site onto the nearby public roads/drains. HyD should not be responsible for the maintenance of any access connecting the site and Tai Tong Road;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that existing structures that apparently had not been

approved under the Buildings Ordinance (BO) should be removed. If the development was not New Territories Exempted Houses, then the four 3-storey houses were subject to control under the BO and formal submission would be required for any proposed new works. The site should be provided with means of obtaining access thereto from a street under Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access should be provided under the B(P)R 41D. If the site was not abutting on a specified street having a width not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage; and

- (f) to note the comments of the Director of Fire Services that detailed fire service requirements would be formulated upon receipt of formal submission of general building plans. In addition, the provision of emergency vehicular access should comply with Part VI of the Code of Practice for Means of Access for Firefighting and Rescue which was administered by the Buildings Department.

#### **Agenda Item 41**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/278            Proposed Religious Institution (Taoism Retreat House)  
in “Agriculture” zone,  
Lot 2138 in D.D. 116, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/278)

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

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

- (a) background to the application highlighting that on 4.3.2011, the application

was first considered by the Rural and New Town Planning Committee (the Committee). After giving consideration to the application, the Committee decided at the meeting to defer a decision on the application pending the submission of further information on the kind of operation/activities to be carried out at the proposed Taoism retreat house, the possible environmental impacts generated from such activities and the proposed mitigation measures, if any, and details on the built form and building materials to be used for the proposed development to be erected on the site;

- (b) the proposed religious institution (Taoism Retreat House);
- (c) departmental comments –the Director of Agriculture, Fisheries and Conservation (DAFC) advised that his site inspection revealed that the site was currently a vacant ground with road access and irrigation source. The site was considered suitable for agricultural rehabilitation in terms of green house cultivation and nursery. In this connection, he did not support the application from the agricultural point of view. Other concerned government departments had no objection/adverse comment on the application;
- (d) there were 24 public comments received during the statutory public inspection period of the application. Most of the commenters supported the application that the proposed Taoism retreat house provided a place for gatherings and spreading the Chinese Taoist learning and culture. There was a public comment from Designing Hong Kong Limited stating that the applied use was not in line with the planning intention of the area. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the proposed religious institution (Taoism retreat house) could be tolerated for a period of five years based on the assessments made in paragraph 4 of the Paper. The applicant had submitted further information in response to the Committee's comments on the background, operation details, building layouts, landscape and drainage plans of the proposed Taoism retreat house

to substantiate his case. The structure of the proposed retreat house would be built by concrete materials. The Taoism teaching by the association was mainly passed on by meditation, oral preaching and sharing among the teachers and members. No beating/hitting of materials would be carried out in the retreat house. It would not generate any adverse noise impact on the surrounding areas. The proposed Taoism retreat house was located in an area intermixed with residential dwellings, vacant and fallow agricultural land, storage yards, workshop and vehicle parking. Scattered residential dwellings/temporary structures were found to its north, west and south with a mix of storage yards. Although the applied use was considered not incompatible with the surrounding land uses, DAFC considered that the site was suitable for agricultural rehabilitation in terms of green house cultivation and nursery, and he did not support the application from the agricultural point of view. Besides, approval of the application might set a precedent for other similar developments in the area causing further loss of agricultural land. To address these concerns, a temporary instead of permanent approval could be given to the application to monitor the situations of the site and the surrounding areas, and this would not frustrate the long-term planning intention of the "Agriculture" zone. The proposed Taoism retreat house with a structure of a total floor area of only 107.22m<sup>2</sup> and 1-storey in height (about 6m) was considered minor in scale and form. The scale of the proposed development was compatible with the surrounding rural environment. To avoid affecting the existing trees along the site boundary, landscape conditions requiring the applicant to submit and implement tree preservation and landscape proposals were recommended. As regards the technical concerns on the drainage aspects and water supplies for fire fighting and fire service installations aspects, relevant conditions were recommended.

154. Members had no question on the application.

#### Deliberation Session

155. A Member considered that the approval of the subject application might

encourage the applicant to apply for future expansion of the development or renewal of the approved application resulting in its permanent existence at the site. This Member also casted doubts on whether the Lands Department and Buildings Department would approve any building to be constructed within the application site given that the subject site was an agricultural lot. This Member hoped that PlanD would closely monitor the situation. The Chairman responded that the Committee had control over the situation as planning permission would be required for any expansion of the development. Moreover, the Planning Authority had enforcement power over any uses within the application site not conforming to those approved by the Committee.

156. The Vice-Chairman doubted why two years were required to build the proposed building under the application. Another Member opined that the most time-consuming part might be to seek the Lands Department's approval on erecting temporary structure on agricultural land. In response to the Chairman's enquiry, Ms. Anita Lam explained that the Lands Department (LandsD)'s approval was required for erecting any temporary structure on agricultural lot. LandsD would seek comments from government departments when processing such application and the related terms. The approval conditions imposed by the Town Planning Board would also be taken into account.

157. A Member considered the proposed building in concrete would likely exist more than five years or even permanently as the applicant would unlikely demolish the building afterwards. Another Member said that the proposed 1.5 m high parapet wall on the roof might provide chance for unauthorized building works and this Member also opined that the applicant might not be willing to demolish the structure in concrete after the planning permission expired. Another Member shared the above view and considered that it was rare for an applicant to build this kind of permanent structure for temporary use.

158. In response to the Chairman's enquiry, the Secretary responded that there were previous cases, in which the applicant applied approvals from the TPB on a temporary basis although the proposed building on the application site would be a permanent building. 'Village Office' use was one of the examples. The main reason for such application was that according to the zoning of the OZP which covered the site of the proposed 'Village Office', 'Village Office' use was neither a column 1 or column 2 use. Therefore, the only way was to treat this kind of 'Village Office' as a temporary uses so that planning permission on a

temporary basis could be granted for such use. Moreover, these approvals would normally be renewed if they did not cause any nuisance to the surrounding areas. In the subject case, there was provision for the proposed use under column 2 of the zoning. The proposed use might not cause any nuisance to the surrounding environment. The building was a permanent structure would not be a planning reason of not approving the application. A Member opined that the building materials of the proposed retreat house and whether the building would be demolished in future were not relevant considerations of the application. Members agreed.

159. A Member said that the purpose of requesting more information on the application last time was to make sure that appropriate approval conditions could be imposed to monitor the proposed development. If the approval conditions were violated, renewal of the application would unlikely be approved by the Committee. The Chairman said that the concern of the Committee last time was on the potential noise problem caused by the percussion of objects in religious ceremonies. However, the applicant had confirmed in the further information that no such activities would be carried out in the religious institution. If the applicant did not comply with the uses proposed in the application, the unauthorized development on-site would be subject to enforcement action by the Planning Authority.

160. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 5 years until 17.6.2016, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- (a) no night-time operation between 9:00 p.m. to 9:00 a.m., as proposed by the applicant, was allowed on the site during the planning approval period;
- (b) the provision of fencing of the site, as proposed by the applicant, within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 17.12.2011;
- (c) 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 17.12.2011;
- (d) in relation to (c) 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 17.3.2012;

- (e) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.12.2011;
- (f) in relation to (e) above, the implementation of drainage facilities within 9 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 17.3.2012;
- (g) the submission of water supplies for fire fighting and 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 17.12.2011;
- (h) in relation to (g) above, the implementation of water supplies for fire fighting and 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 17.3.2012;
- (i) if the above planning condition (a) was not complied with during the planning approval period, the approval hereby given should cease to have effect and should be revoked immediately without further notice;
- (j) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) was not complied with by the specified date, the approval hereby given should cease to have effect and should on the same date be revoked without further notice; and
- (k) upon 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.

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

- (a) a temporary approval was granted for the applied use on the site in order to monitor the situations of the site and the surrounding areas;
- (b) to resolve any land issue relating to the development with other concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that no structures were allowed to be erected without the prior approval of the government. The site was accessible through an informal track on government land and other private land extended from Long Ho Road. His office did not provide maintenance works for the track or guarantee right-of-way. The lot owner had to apply to his office for permission regarding structures to be erected or any irregularities on-site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If such application was approved, it would be subject to such terms and conditions, including among others the payment of premium or fee, as might be imposed by LandsD;
- (d) to note the comments of the Commissioner for Transport that the land status of the road/path/track leading to the site should be checked with the lands authority. The management and maintenance responsibility of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (e) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department that his department was/should not be responsible for the maintenance of the existing access connecting the site and the nearby nullah crossing which was connected to Long Ho Road;
- (f) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that as the proposed development might affect the existing trees along the site boundary, details of the tree

preservation/protection measures and landscape proposal should be provided. The layout of the proposed development should be fine tuned with the aim to avoid affecting those existing trees along the site boundary and to preserve them in-situ to provide an instant greening and screening effect. The applicant should consider to provide landscape planting at ground level in order to integrate the proposed development with the existing trees on-site;

- (g) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that peripheral surface channels should be provided to surround the whole site to intercept all runoff falling onto and passing through the site. The size of the proposed gutter, down pipes, surface channels, drainage pipe and catchpits should be shown on the drainage proposals. The applicant should check the hydraulic capacity of the existing drainage system to ensure that the existing drainage system would not be adversely affected by the proposed development. Catchpit should be provided at location where the surface channel changed direction. The details of the connection with the existing drainage system should be shown on the drainage proposal. All the existing drainage system in the vicinity of the site should be indicated on the drainage proposal. DLO/YL and the relevant lot owners should be consulted as regards all proposed drainage works outside the site boundary or outside the applicant's jurisdiction;
- (h) to note the comments of the Director of Fire Services that detailed fire safety requirements would be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Furthermore, the emergency vehicular access provision in the site should comply with the standard as stipulated in the Part VI of the Code of Practice for Means of Access for Firefighting and Rescue under the Building (Planning) Regulations (B(P)R) 41D;
- (i) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that unauthorized building works/structures on the

site should be removed. Proposed structures were subject to control under the B(P)R Part VII. The site should be provided with emergency vehicular access under B(P)R 41D. If the site was not abutting on a specified street having a width of not less than 4.5m, the development intensity should be determined under the B(P)R 19(3) at building plan submission stage. Formal submission under the Buildings Ordinance (BO) was required for any proposed new works. The granting of the planning approval should not be construed as an acceptance of the unauthorized structures on-site under the BO. Enforcement action might be taken to effect the removal of all unauthorized works should circumstances require; and

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

[The Chairman thanked Mr. K.C. Kan, Mr. Ernest C.M. Fung and Mr. Kepler S.Y. Yuen, STPs/TMYL, for their attendance to answer Members’ enquires. Messrs. Kan, Fung and Yuen left the meeting at this point.]

**Agenda Item 42**

**Any Other Business**

162.           There being no other business, the meeting closed at 5:25 p.m..