

## **TOWN PLANNING BOARD**

### **Minutes of 512<sup>th</sup> Meeting of the Rural and New Town Planning Committee held at 2:30 p.m. on 13.6.2014**

#### **Present**

Director of Planning  
Mr K.K. Ling

Chairman

Professor S.C. Wong

Vice-chairman

Professor Eddie C.M. Hui

Dr C.P. Lau

Ms Anita W.T. Ma

Dr W.K. Yau

Professor K.C. Chau

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Janice W.M. Lai

Mr David Y.T. Lui

Mr Peter K.T. Yuen

Dr Eugene K.K. Chan

Chief Traffic Engineer/New Territories East,  
Transport Department  
Mr K.C. Siu

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

Assistant Director (Environmental Assessment),  
Environmental Protection Department  
Mr K.F. Tang

Assistant Director/Regional 3,  
Lands Department  
Ms Anita K.F. Lam

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

Secretary

**Absent with Apologies**

Mr F.C. Chan

Ms Christina M. Lee

Mr H.F. Leung

**In Attendance**

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

Chief Town Planner/Town Planning Board  
Ms Lily Y.M. Yam

Town Planner/Town Planning Board  
Mr Terence Leung

**Agenda Item 1**

**Confirmation of the Draft Minutes of the 511<sup>th</sup> RNTPC Meeting held on 23.5.2014**

[Open Meeting]

1. The draft minutes of the 511<sup>th</sup> RNTPC meeting held on 23.5.2014 were confirmed without amendments.

**Agenda Item 2**

**Matters Arising**

[Open Meeting]

2. The Secretary reported that this item was related to the confirmed minutes of a section 16 planning application (No. A/YL-PS/440) which was considered by the Committee at the meeting on 4.4.2014. As the application was submitted by the Hong Kong Housing Authority (HKHA), the following Members declared interests in this item when the application was considered on 4.4.2014:

- |   |   |
|---|---|
| Mr K.K. Ling<br>as the Director of Planning   | - being a member of the Strategic Planning<br>Committee (SPC) of the HKHA                                 |
| Ms Anita K.F. Lam<br>as the Assistant Director of the<br>Lands Department           | - being an alternate member of the Director of<br>Lands who was a member of the HKHA                      |
| Mr Frankie W.P. Chou<br>as the Assistant Director of the<br>Home Affairs Department | - being an alternate member of the Director of<br>Home Affairs who was a member of the<br>SPC of the HKHA |
| Mr H.F. Leung   | - had current business dealings with the<br>Housing Department, the executive arm of<br>HKHA              |

3. Members noted that Mr H.F. Leung had tendered apology for being unable to attend the meeting. As the issue only involved the rectification of the confirmed minutes, the Secretary said that Mr K.K. Ling, Ms Anita K.F. Lam and Mr Frankie W.P. Chou could stay in the meeting. Members agreed.

4. The Secretary continued to say that on 4.4.2014, the Committee approved a section 16 application No. A/YL-PS/440. The minutes were confirmed at the meeting on 25.4.2014 and sent to the applicant on the same date. Subsequently, it was found out that approval condition (e) regarding the design and provision of visual mitigation measures for the proposed development as reflected in the minutes did not tally with that suggested in the RNTPC Paper No. A/YL-PS/440. To rectify the editorial error, the relevant approval condition for the subject application was suggested to be revised as follows:

- (e) the design and provision of mitigation measures to alleviate the visual impact of the noise barriers to the satisfaction of the Director of Planning or of the Town Planning Board;

The replacement page of the minutes had been sent to Members.

5. Members agreed to the rectification of the confirmed minutes and noted that the revised minutes and revised letter of approval would be sent to the applicant after the meeting.

[Dr Eugene K.K. Chan and Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

**Sai Kung and Islands District**

### **Agenda Item 3**

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

[Open Meeting (Presentation and Question Sessions only)]

Y/SK-PK/3                      Application for Amendment to the Approved Pak Kong & Sha Kok Mei Outline Zoning Plan No. S/SK-PK/11, to rezone two application sites, one from “Village Type Development” to “Green Belt” and the other one from “Green Belt” to “Village Type Development”, Government Land in D.D. 221 and D.D. 215, Near Tan Cheung Road, Tan Cheung, Sai Kung  
  
(RNTPC Paper No. Y/SK-PK/3)

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

6.                      Planning Department’s (PlanD) representatives, Mr Ivan M.K. Chung, District Planning Officer/Sai Kung and Islands (DPO/SKIs), and Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), and the applicant, Mr Guy Sanderson Shirra, were invited to the meeting at this point.

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

- (a)    the application involved two sites near Tan Cheung Road, Tan Cheung, Sai Kung on the approved Pak Kong & Sha Kok Mei Outline Zoning Plan (OZP) No. S/SK-PK/11. Site A was a piece of land along the eastern border of the “Village Type Development” (“V”) zone at Tan Cheung, while Site B was located at the western part of the “V” zone. Both sites were government land and the area of each piece of land was around 1,000m<sup>2</sup>;
- (b)    the applicant proposed to rezone Site A from “V” to “Green Belt” (“GB”) in order to protect an un-surfaced rural track. In order to compensate for the reduction of the size of the “GB” zone, Site B was proposed to be

rezoned from “GB” to “V”;

Background

- (c) on 23.8.2002, the Committee agreed in-principle to 544 requests for amendment (No. Z/SK-PK/4 to Z/SK-PK/547) to rezone a piece of land at Mau Ping New Village from “V” to “GB” in order to protect a woodland of high ecological value. Subsequently, the Committee on 15.8.2003 agreed to rezone the subject “V” zone from “GB” to “V” so that it could serve as a replacement site for village type development;
- (d) to facilitate the development of Small Houses within the subject “V” zone, the District Lands Officer/Sai Kung (DLO/SK) prepared a layout in 2007 for the development of about 48 Small Houses;

Applicant’s main justifications

- (e) the un-surfaced rural track falling within Site A should be protected as it was used regularly by the locals for hiking and bird-watching;
- (f) restoring the original “GB” zoning of Site A would help maintain the undisturbed rural access and form a buffer between the track and the woodland to its east;
- (g) the track straddled an ancient Chinese village footpath leading to Sha Kok Mei Village and a large section of the original boulder footpath was still in Kap Pin Long. Mature trees and wildlife could also be found in areas along the track;
- (h) the rezoning would not result in any loss in areas reserved for “GB” and “V” zones;

Planning Intention

- (i) the planning intention of the “GB” zone 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;

- (j) the planning intention of the “V” zone was to designate both existing recognised villages and areas of land considered suitable for village expansion;

Departmental Comments

- (k) the District Lands Officer/Sai Kung, Lands Department (DLO/SK, LandsD) objected to the application as the proposed zoning amendment would affect the Small House applications under processing;
- (l) the Antiquities and Monuments Office, Leisure and Cultural Services Department (AMO, LCSD) commented that according to their records, the track and footpath were not recorded trackways;
- (m) the Chief Town Planner/Urban Design and Landscape (CTP/UD&L), PlanD commented that, for Site A, the feasibility of maintaining the narrow strip of steep vegetated slope along the track was in doubt as extensive slope formation works would likely be required to facilitate village development in the adjoining “V” zone;
- (n) CTP/UD&L, PlanD further commented that the proposed rezoning of Site B might likely have some adverse implications on the visual amenity currently enjoyed by the users of the public pavilion at the roundabout adjacent to Site B. Furthermore, as the applicant had not conducted a tree survey and had not provided information on whether site formation was required for Site B, the impacts on the existing landscape resources due to the rezoning proposal could not be fully ascertained at this stage;

Public Comments

- (o) the rezoning application attracted 480 public comments, with 478 of them against the application. The opposing comments were submitted by Heung Yee Kuk, Sai Kung Rural Committee, 新界原居民權益關注組 and the village representatives of Wong Chuk Shan New Village and Mau

Ping New Village. They objected to the application mainly for the reasons that (i) there was no justification for the rezoning as the existing access track was not a historic heritage; (ii) the concerned villagers had been waiting for the approval of Small House applications since 1985; and (iii) no objection had been received when the subject “V” zone was exhibited for public inspection in February 2004;

- (p) the remaining two public comments were submitted by members of the public. They were in support of the application for the reasons that the proposed rezoning could protect the existing track and there was a significant variety of habitats and dense vegetations within the proposed “GB” zone;

#### PlanD’s Views

- (q) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper, which were summarised as follows:

#### Site A

- (i) the subject “V” zone was to provide a replacement site for Small House development for the villagers of Mau Ping New Village and Wong Chuk Shan New Village. The rezoning of the replacement site from “GB” to “V” on the OZP was exhibited for public inspection on 20.2.2004 and no objection was received. Any amendment to the “V” zone had to be justified on strong planning grounds and the planning history of the subject “V” zone should be taken into account;
- (ii) DLO/SK objected to the application as it would affect a number of Small House applications currently being processed by his office. However, in order not to affect the existing track, he agreed to shift the footprints of the five proposed Small Houses at the eastern side of the “V” zone westwards;



- (iii) AMO, LCSD considered that both the track and the footpath were not recorded trackways;

Site B

- (iv) as no tree survey had been provided and no indicative development scheme had been submitted, the impacts on the existing landscape resources due to the rezoning proposal could not be fully ascertained at this stage. According to the existing topography and the levels of the surrounding area, slope formation works and retaining wall structures might be required for village type development. Significant adverse landscape impacts arising from the slope formation works on the existing woodland vegetation within Site B and beyond were anticipated. The applicant failed to provide sufficient information to demonstrate that the proposed zoning amendment was acceptable from a landscaping point of view; and
- (v) the proposed rezoning of Site B might have some adverse implications on the visual amenity currently enjoyed by users of the public pavilion at the adjacent roundabout. The applicant failed to demonstrate that there would not be any visual impact generated by the proposed rezoning.

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

8. The Chairman then invited the applicant to elaborate on the application. With the aid of a Powerpoint presentation, Mr Shirra made the following main points:

- (a) the application sought to restore a section of the “V” zone to the original “GB” zoning. The reduction in the size of the “V” zone would be compensated by rezoning a piece of wasteland of similar size from “GB” to “V”;
- (b) the application would protect a green lane and its nearby mature trees and wildlife habitat which was a treasured local amenity area;

- (c) a map dated 1903 indicated that there was a four-foot wide Chinese road leading from Fui Yiu Ha. The Chinese road formed part of a network connecting different parts of the New Territories. Branching off from this Chinese road was the track which fell within Site A. The map could be purchased at the Map Sales Counters of LandsD;
- (d) the footpath branched off from the track in a westerly direction and led all the way to the top of the hill. There was very thick undergrowth along the footpath. It would be an interesting feature if the footpath was preserved and incorporated into the village layout;

Responses to departmental comments

- (e) although LandsD agreed to shift the lowest row of Small Houses away from the track, it had refused to ask PlanD to rezone the concerned area to “GB”;
- (f) the proposed rezoning would not affect the processing of Small House applications as there was no change in the size of the “V” zone. Although the layout prepared by LandsD might need to be amended, it would not lead to substantial delay in the processing of Small House applications nor generate substantial additional workload to LandsD;
- (g) although AMO, AFCD claimed that the footpath was not a recorded trackway, the footpath was already in existence in 1903 as shown in an old map;
- (h) notwithstanding CTP/UD&L, PlanD had no strong view on the application from a landscape perspective, PlanD did not support the application. Regarding the possible adverse implications on the visual amenity at the public pavilion near Site B, as the slopes in Site B were very steep, a retaining wall would need to be built and the village houses would be developed further down the slopes. Therefore, the village houses would hardly be visible at the public pavilion;

- (i) as regards the need for slope formation works, it was noted that the Geotechnical Engineering Office of the Civil Engineering and Development Department (GEO, CEDD) had no comment on the application. He had previously requested GEO, CEDD to take a look at Site B, but it had not taken any action. It was considered that if Site B was used for village type development, GEO, CEDD should carry out an inspection of the slopes and implement the necessary geotechnical measures to avoid landslides;
  
- (j) as for the need to conduct a tree survey, it was noted that the Agriculture, Fisheries and Conservation Department (AFCD) had conducted a biological and zoological survey in Site B. Civet cats, porcupines, and squirrels could also be observed in the areas. Although LandsD had mentioned in their previous letter to him that the Small House applicants would be requested to conduct a tree survey and submit a landscaping proposal to compensate for the loss of greenery and trees, he doubted whether this had actually been done;
  
- (k) as regards the public objection to the application, many commenters considered that the rezoning application should not be agreed to as no objection had been received by the Town Planning Board when the subject "V" zone was rezoned from "GB" to "V" in 2004. Furthermore, no objection was received when the local residents were consulted on the layout plan prepared by LandsD in 2006. However, these consultation exercises might not be effective as the public notices could easily be removed or covered up by other notices; and
  
- (l) the proposed rezoning would not lead to a delay in the implementation of the layout plan prepared by LandsD. Furthermore, the preservation of the track and footpath would have public benefits. The approval of the application would not lead to a precedent leading to more applications of a similar nature. The accusation that the application was a waste of taxpayers' money was not valid as many villagers did not even reside in

Hong Kong. The application was not meant to be anti-villagers and it was hoped that the Government would change its mind and support the application.

9. In response to a question from the Chairman, Mr Ivan M.K. Chung, DPO/SKIs, said that the Committee agreed in principle in 2002 to the 544 requests for amendment to the OZP to rezone a piece of land at Mau Ping New Village from “V” to “GB”. The Committee also requested PlanD to consult the local villagers and identify a replacement site for Small House developments for the villagers affected by the rezoning. Subsequently, PlanD identified a number of potential replacement sites in the surrounding areas and consulted the relevant departments to see if there would be adverse geotechnical, environmental and ecological impacts if the replacement sites were used for village type development. After taking into account the views of the local villagers and the Sai Kung Rural Committee, the Committee agreed to rezone the subject site from “GB” to “V”.

10. A Member asked besides planning and land administration considerations, whether there were other reasons for rejecting the application. Mr Ivan M.K. Chung said that PlanD did not support the application mainly due to considerations from a planning perspective. Firstly, the current “V” zoning was considered appropriate for the area. Secondly, the existing track that the applicant was concerned about could be preserved as LandsD had agreed to shift the footprints of five proposed Small Houses westwards. Thirdly, although CTP/UD&L, PlanD had no strong view on the application, she pointed out that the rezoning of Site B would lead to adverse visual impacts. There were also some mature trees within Site B. As no tree survey had been included in the application, the applicant failed to demonstrate that the proposed rezoning would not result in adverse landscape impact on the surrounding areas.

11. A Member said that the applicant had indicated that the proposed “GB” zone was a precious habitat for a variety of animals and butterflies but AFCD’s comments only focused on the native trees and shrubs within the site. This Member asked whether there was any additional information on the wildlife within the site. In response, Mr Ivan M.K. Chung said before the subject “V” zone was rezoned from “GB” to “V” in 2004, AFCD had been consulted and they advised that there was no wildlife of conservation value within the site. When consulted for the subject application, AFCD advised that native trees and shrubs were

found within the site.

12. A Member asked whether there would be adverse visual impacts if Small Houses were built at Site B. Mr Ivan M.K. Chung said that to develop Small Houses on the steep slopes at Site B, a retaining wall and platforms might be required. The platforms would raise the overall height of the Small Houses and they would likely be visible from the public pavilion and lead to adverse visual impacts.

13. The same Member asked whether the Government would be able to shift the footprints of the proposed Small Houses so as to preserve the footpath. Mr Ivan M.K. Chung said that as the subject “V” zone was a piece of Government land, the Small House applications would be processed by way of private treaty grants. LandsD had agreed to shift the footprints of five proposed Small Houses westwards when processing the Small House applications so that the existing track would not be affected by Small House development.

14. Mr Shirra said that while the promise of LandsD to protect the track was appreciated, greater protection could be afforded to the track and the mature trees along it if the area was rezoned to “GB”. As regards PlanD’s comments that there would be adverse visual impacts arising from the proposed “V” zone at Site B, it should be noted that to facilitate village type development, all the slopes within the existing “V” zone and the proposed “V” zone at Site B would have to be cut and terraced. As the proposed village houses would be at the lower part of the slopes, the top of the proposed village houses would be at a lower level when compared with Tan Cheung Road and therefore they would not be visible from the public pavilion.

15. In response to a question from the Chairman, Mr Shirra said that he did not object to the existing “V” zone but just wanted to move the “V” zone westward so that the track could be preserved.

16. As the applicant had no further points to make and Members had no questions to raise, the Chairman informed them that the hearing procedure for the application had been completed and the Committee would deliberate on the application in their absence and inform the applicant of the Committee’s decision in due course. The Chairman thanked the applicant and the Government’s representatives for attending the meeting. They all left the

meeting at this point.

### Deliberation Session

17. A Member did not support the application and said that considering that no assessment had been submitted to study the impacts of rezoning Site B from “GB” to “V”, the proposed rezoning would unlikely lead to significant benefits. Furthermore, given that a large number of objections were received against the application, the applicant’s proposal would not gain the support of the local community.

18. A Member said that sympathetic considerations could be given to the application as the trees within Site A were more valuable than those within Site B, and there was no guarantee that the track would be protected under the “V” zoning. In response to a question from the Member, the Chairman said that LandsD had agreed to shift the footprints of the five proposed Small Houses westward so as to make sure that the impacts on the track and the trees would be minimised.

19. Ms Anita K.F. Lam said that as indicated in the layout for the “V” zone as shown in Plan Z-5 of the Paper, the track would not be affected by the proposed village houses. Furthermore, considering that the track was a link between Tan Cheung Road to the houses to the north of the subject “V” zone, there was no strong reason to allow the proposed village houses to infringe upon the track. There would be no significant technical difficulties to shift the footprints of the proposed village houses away from the track.

20. A Member said that the Committee had taken into account all relevant considerations before agreeing to rezone the subject area from “GB” to “V” in late 2003. As the applicant had not submitted any overriding justifications to merit a departure of the Committee’s decision, this Member did not support the application.

21. A Member considered that there were merits in the application as the rezoning of Site A from “V” to “GB” would make it more compatible with the adjacent “GB” zone, while the rezoning of Site B from “GB” to “V” would make it more in line with the adjacent developments falling within the “Residential (Group D)”, “Government, Institution or Community” and “V” zones.

22. The Chairman said that while two Members considered that the application had some merits, the Committee in general did not find any overriding justifications to support the application. It should be noted that as the track served as an existing access for the houses to the north of the subject “V” zone, the Government would preserve the track as far as possible. LandsD would avoid the track during the processing of Small House applications.

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

- “(a) Site A was rezoned from “Green Belt” (“GB”) to “Village Type Development” (“V”) in 2004 for the expansion of Mau Ping New Village and Wong Chuk Shan New Village. The current “V” zoning, which is primarily intended for development of Small Houses by indigenous villagers, is considered appropriate for the area. The applicant fails to provide any strong planning justification for the proposed rezoning from “V” to “GB”; and
- (b) Site B is a densely vegetated slope. The current “GB” zoning of Site B, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets, is considered appropriate. The applicant fails to provide strong planning justification for the proposed rezoning from “GB” to “V”. The applicant also fails to demonstrate that the proposed rezoning would not result in adverse visual and landscape impacts on the surrounding areas.”

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

**Agenda Item 4**

**Section 16 Application**

[Open Meeting]

A/SK-CWBS/15      Proposed Filling of Land and Excavation of Land for a Permitted  
2-storey On Farm Domestic Structure in “Green Belt” Zone, Lot No.  
30 (Part) in D.D. 233, East of Clear Water Bay Road, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/15A)

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24.            The Secretary reported that the application was submitted by Founder Investment Limited with Kenneth Ng & Associates Limited as one of the consultants. Ms Janice Lai had declared an interest in this item as she had current business dealings with Kenneth Ng & Associates Limited. As the applicant had requested for deferment of consideration of the application and Ms Lai had no involvement in the application, the Committee agreed that she could stay in the meeting.

25.            The Committee noted that this was the second deferment request sought by the applicant. On 30.5.2014, the applicant requested for deferment of the consideration of the application for one more month to allow time for the applicant to complete the Geotechnical Planning Review Report (GPRR) and Natural Terrain Hazard Study (NTHS) and to liaise with Geotechnical Engineering Office of Civil Engineering and Development Department on the GPRR and NTHS.

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



circumstances.

[Dr Eugene K.K. Chan left the meeting temporarily at this point.]

[Mrs Alice K.F. Mak, Senior Town Planner/Sai Kung and Islands (STP/SKIs), was invited to the meeting at this point.]

### **Agenda Item 5**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HC/234            Proposed House (New Territories Exempted House - Small House) in  
                                 “Residential (Group D)” and “Village Type Development” Zones, Lot  
                                 No. 1792 in D.D. 244, Ho Chung, Sai Kung  
                                 (RNTPC Paper No. A/SK-HC/234)

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

27.            Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a)    background to the application;
- (b)    the proposed house (New Territories Exempted House - Small House);
- (c)    departmental comments – no objection from the concerned government departments was received;
- (d)    during the first three weeks of the statutory publication period, six public comments objecting to the application were received. They were submitted by Designing Hong Kong Limited and five members of the public. They objected to the application for the reasons that (i) the proposed development was not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone; (ii) it would create adverse traffic

and visual impacts; (iii) there were no environmental, traffic, drainage and sewerage impact assessments in the submission; (iv) the application site was not served by an emergency vehicular access (EVA); and (v) the approval of the application would set an undesirable precedent for similar applications in this area; and

- (e) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the adverse public comments, the proposed 3-storey Small House was not incompatible with the planning intention of the “R(D)” zone which was for low-rise, low-density residential development. Taking into account the small scale of the proposed Small House development, no adverse environmental, drainage, traffic and landscape impacts were expected. As for the concern on the lack of an EVA, the Director of Fire Services had no objection to the application. As regards the concern on the setting of an undesirable precedent, it should be noted that each application was considered by the Committee based on its individual merits.

[Mr K.C. Siu left the meeting temporarily at this point.]

28. In response to a question from a Member, Ms Alice K.F. Mak said that the application site was the subject of two previous applications for Small House development. The two applications were approved by the Committee in 1997 and 2010 respectively. For both planning permissions, the proposed development was not commenced before the expiry of its respective validity period, and therefore the two planning permissions lapsed in 2000 and 2014 respectively. The Member said that in order to avoid an abuse of the planning system, considerations could be given to forbidding repetitive applications. In response, the Chairman said that there were no provisions under the Town Planning Ordinance to restrict the number of applications for a proposed development concerning the same site.

#### Deliberation Session

29. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 13.6.2018, 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 with tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the provision of septic tank, as proposed by the applicant, at a location to the satisfaction of the Director of Lands or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to the WSD’s standard;
- (b) to note the comments of the Director of Fire Services that the applicant is reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
- (c) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department (DSD) that adequate stormwater drainage facilities should be provided in association with the proposed development so as not to cause adverse drainage impact on the areas in the vicinity, and the Site is within an area where neither stormwater nor sewerage connections maintained by DSD is available in the vicinity at present;

- (d) to note the comments of the Antiquities and Monuments Office, Leisure and Cultural Services Department that the Site is located within Ho Chung Site of Archaeological Interest (SAI), significant archaeological discoveries were found in the SAI. The applicant is required to notify their office two weeks prior to the commencement of the works so as to facilitate their staff to conduct site inspection in the course of excavation;
- (e) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to make necessary submission to District Lands Officer/Sai Kung to verify if the Site would satisfy the criteria for the exemption for site formation works as stipulated in PNAP APP-56. If such exemption is not granted, the applicant shall submit site formation plans to the Buildings Department (BD) in accordance with the provisions of the Buildings Ordinance (BO); and
- (f) to note the comments of the Chief Building Surveyor/New Territories East & Rail, BD that the applicant is reminded that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with BO, and Authorised Person must be appointed for the aforesaid site formation and communal drainage works.”

**Agenda Item 6**

**Section 16 Application**

[Open Meeting]

A/SK-PK/210

Residential Institution (Hostel) ancillary to an Indoor Recreational Hobby Farm in “Recreation” Zone, Remaining Portion of Section B of Lot No. 333 in D.D. 221, Sha Kok Mei, Sai Kung  
(RNTPC Paper No. A/SK-PK/210)

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31. The Committee noted that this was the first deferment request sought by the

applicant. On 26.5.2014, the applicant requested for deferment of the consideration of the application for two months so as to allow time for preparation of further information to address the comments of relevant Government departments.

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

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-TMT/42            Proposed House (New Territories Exempted House - Small House) in  
                                  "Green Belt" and "Village Type Development" Zones, Lots No. 122  
                                  S.A and S.B in D.D. 216, O Tau Village, Sai Kung  
                                  (RNTPC Paper No. A/SK-TMT/42C)

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

33. Mrs Alice K.F. Mak, STP/SKIs, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);

- (c) departmental comments – the Chief Engineer/Development (2), Water Supplies Department (CE/D(2), WSD) objected to the application as the site was within the upper indirect water gathering ground (WGG), and there was no sewerage connection provided by the Drainage Services Department in the vicinity. The Director of Environmental Protection (DEP) did not support the application as he had serious doubt as to whether the proposed membrane bio-reactor, which required a stable, continuous and adequate supply of organic input for a sustainable treatment performance, could sustainably meet the stringent treatment standard stipulated in the Water Pollution Control Ordinance. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application as the proposed Small House development was incompatible with the planning intention of the “Green Belt” (“GB”) zone, and approval of the application would encourage village sprawl and set an undesirable precedent for fragmented development within the “GB” zone. Vegetation clearance due to site formation works was anticipated, but no tree survey, tree preservation or site formation proposal had been provided. The impact on the existing landscape resource and the adjacent woodland would likely be significant but could not be fully ascertained;

[Mr K.C. Siu and Dr Eugene K.K. Chan returned to join the meeting at this point.]

- (d) during the first three weeks of the statutory publication periods of the application and the further information, a total of 18 public comments objecting to the application were received. They were submitted by villagers of O Tau Village and local residents, Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and WWF-Hong Kong. The villagers of O Tau Village and local residents objected to the application for the reasons of (i) environmental/ecological impacts arising from tree felling; (ii) noise pollution and pollution of potable water supply as the site was located within WGG; (iii) overloading of the traffic in the village; and (iv) adverse impacts on public order and villagers’ livelihood

as the applicant was not an indigenous villager of O Tau Village;

- (e) the green groups objected to the application mainly on the following grounds: (i) incompatibility with the planning intention of the “Green Belt” zone and Town Planning Board Guidelines (TPB-PG) No. 10; (ii) the setting of an undesirable precedent; (iii) adverse environmental, ecological, landscape, visual, health, traffic, and social impacts and issue of fire safety; (iv) inadequate drainage, sewerage, parking and other infrastructural provisions; (v) the lack of environmental, traffic and drainage assessments in the application, and (vi) most village houses were built for financial gains instead of for dwelling by indigenous villagers; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 12 of the Paper. The site fell largely within the “GB” zone (97.5%) with only a small portion falling within the “Village Type Development” (“V”) zone (2.5%). The proposed Small House development was not in line with the planning intention of the “GB” zone. The application did not comply with the Interim Criteria in that the site fell within the WGG but there was no public sewerage in the vicinity of the site. The application also did not comply with TPB-PG No. 10 in that extensive vegetation clearance would be involved. The Committee had previously rejected 13 similar applications. Rejection of the subject application would be in line with the Committee’s previous decisions. The approval of the application would encourage village sprawl and set an undesirable precedent for other similar applications in “GB” zone in the future. The cumulative effect of approving such similar applications would result in a general degradation of the environment and bring about adverse landscape impact on the area.

34. Members had no question on the application.

#### Deliberation Session

35. 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 Small House development is not in line with the planning intention of the “Green Belt” (“GB”) zone which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There are no exceptional circumstances or strong planning grounds in the submission for a departure from the planning intention;
- (b) the proposed development is not in line with the Town Planning Board Guidelines No. 10 for ‘Application for Development within “GB” Zone’ in that extensive vegetation clearance would be involved;
- (c) the proposed development is not in line with the Interim Criteria for Assessing Planning Application for New Territories Exempted House/Small House development in the New Territories in that the Site falls within upper indirect water gathering ground with no public sewerage connection available in the vicinity, and the proposed development would cause adverse landscape impacts on the surrounding areas. The applicant fails to demonstrate that the landscape and water quality impacts of the proposed development could be satisfactorily mitigated; and
- (d) approval of the application will set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such application will result in a general degradation of the environment and bring about cumulative adverse impacts on the landscape and water quality of the area.”

[The Chairman thanked Mrs Alice K.F. Mak, STP/SKIs, for her attendance to answer Members’ enquires. Mrs Mak left the meeting at this point.]



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

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

**Agenda Item 8**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/MOS/99                      Proposed Residential Development with Minor Relaxation of Gross Floor Area and Building Height Restrictions for the Land Sale Site at Yiu Sha Road, Whitehead, Ma On Shan  
(RNTPC Paper No. A/MOS/99)

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36.            The Secretary reported that the application was submitted by the Lands Department (LandsD) with AECOM and Ove Arup & Partners Hong Kong Limited (OAP) as consultants. Ms Anita K.F. Lam had declared an interest as she was a representative of Lands Department. Professor S.C. Wong and Mr Ivan Fu had declared interests as they had current business dealings with OAP. Ms Janice Lai had also declared an interest as her firm had current business dealings with LandsD and AECOM. Members noted that Professor Wong had not yet arrived at the meeting. As Mr Fu and Ms Lai had no involvement in the application, the Committee agreed that they could stay in the meeting.

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

**Presentation and Question Sessions**

37.            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 residential development with minor relaxation of gross floor

area and building height restrictions;

[Professor S.C. Wong arrived to join the meeting at this point.]

- (c) departmental comments – no objection from the concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, a total of 23 public comments were received (including a comment from Double Cove Owners' Committee enclosing the comments from 21 residents). They objected to the application for the reasons that: (i) the proposed development with a maximum building height of 58 mPD would create “wall effect” and block the air flow to the surrounding areas; (ii) the proposed development would create adverse traffic impact. The additional traffic flow would further overload the existing traffic capacity. There were also concerns on the cumulative impacts on sewerage, drainage and other infrastructure; (iii) the proposed increase in population would further exacerbate the shortage of Government, Institution or Community (GIC) facilities in the area; (iv) the proposed development would have adverse ecological impact to the nearby Starfish Bay; (v) the Sha Tin District Council (STDC) had not been consulted on the proposed increase in development intensity. It was doubtful whether support on the application could be obtained from district council members, local community and the public; and (vi) the proposed residential development deviated from the aspirations of the local community in terms of conservation of the area and the planning and provision of educational, recreational, sports, leisure and tourism uses at the Whitehead headland;
- (e) the District Officer (Sha Tin) (DO/ST)) reported that the draft planning brief for the subject site was discussed at the meeting of Development and Housing Committee (DHC) of STDC on 27.2.2014. Some DHC members expressed concerns that the proposed development would have adverse impacts on the community facilities and local transport. There would also be adverse air ventilation impact and “wall effect” arising from the

proposed development. Some DHC members were also concerned about the issues of tree preservation and reception of television signal in the vicinity;

- (f) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the adverse public comments, various assessments conducted by the applicant had demonstrated that the development would not cause air ventilation, ecological, traffic, sewerage and drainage impacts on the area. Adequate GIC facilities had been planned in the Ma On Shan and Sha Tin areas according to the Hong Kong Planning Standards and Guidelines. The DHC of STDC was consulted on the draft planning brief on 27.2.2014 and it had no objection to the proposal. Concerning the local aspirations for the planning and provision of various uses and facilities at the Whitehead headland, it should be noted that the planning intention to develop Whitehead headland for residential and recreational uses with due regard to the conservation values of the area had not been changed. The “Comprehensive Development Area” (including “CDA(3)”) zones were intended for residential use while the “Recreation” zone was intended for recreational and sports facilities. The eastern and western coastal areas of the Whitehead headland (i.e. To Tau and Starfish Bay) were zoned as “Conservation Area” for conservation, educational and research purposes; and
- (g) subject to the approval of the application by the Committee, the draft planning brief for the “CDA(3)” zone would be updated and submitted for the Committee's endorsement in due course.

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

38. Noting that the annual prevailing winds were coming from the northeast and the east, a Member asked whether it might be better from an air ventilation point of view if the maximum building height of the proposed development at the subject site was lower than that of the proposed development at the “CDA(2)” site to its immediate west. In response, Mr

Anthony Luk said that when planning for the proposed development at the subject site, the annual prevailing winds and the summer prevailing winds had been taken into account. With the provision of air paths, podium-free structures and proper alignment of building blocks, the proposed development would not cause significant air ventilation impacts on the surrounding areas. As for the proposed development at the “CDA(2)” site, the developer would be required to submit an air ventilation assessment (AVA) for the consideration of the Committee as part of the Master Layout Plan submission for the consideration of the Committee.

39. In response to a question from the same Member, Mr Anthony Luk said that it was difficult to ascertain whether the wind performance would be better if the proposed development at the subject site was of a lower building height compared with the proposed development at the adjacent “CDA(2)” site. An AVA had been conducted for the entire Ma On Shan area in 2009 and among other recommendations, a building height restriction of 2 storeys was imposed on a 15m-wide strip of land which ran across the subject site and the “CDA(1)” site to its south to facilitate the circulation of the annual prevailing winds into the inner parts of Ma On Shan. The AVA to be submitted by the developer of the “CDA(2)” would also be closely scrutinised by PlanD to ensure that there would no adverse air ventilation impacts on the surrounding areas. The Chairman added that as there were also summer prevailing winds coming from the southeast, the overall wind performance might not necessarily be better if the maximum building height of the proposed development at the subject site was lower than that of the proposed development at the adjacent “CDA(2)” site.

40. A Member had no objection to the application and asked whether an increase of the maximum gross floor area by 20% could be considered as minor. In response, the Chairman said that whether the proposed relaxation should be considered as minor depended not just on the percentage of relaxation but on the specific circumstances of the proposed development. Site characteristics and the impacts on the surrounding environment arising from the proposed relaxation of the plot ratio restriction were also relevant considerations.

#### Deliberation Session

41. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission

should be valid until 13.6.2018, 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 Master Layout Plan (MLP) to incorporate the approval conditions as stipulated in conditions (b) to (j) below to the satisfaction of the Director of Planning or of the TPB;
- (b) the submission and implementation of a revised Landscape Master Plan, including tree preservation proposals, to the satisfaction of the Director of Planning or of the TPB;
- (c) the submission of a revised Visual Impact Assessment Report to the satisfaction of the Director of Planning or of the TPB;
- (d) the submission of a revised Air Ventilation Assessment Report to the satisfaction of the Director of Planning or of the TPB;
- (e) the submission of a revised Traffic Impact Assessment Report and the implementation of the traffic improvement measures identified therein to the satisfaction of the Commissioner for Transport or of the TPB;
- (f) the implementation of the drainage facilities identified in the Drainage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (g) the implementation of the sewerage facilities identified in the Sewerage Impact Assessment Report to the satisfaction of the Director of Drainage Services or of the TPB;
- (h) the design and provision of ingress/egress point, vehicular access, parking spaces, loading/unloading and lay-by facilities to the satisfaction of the Commissioner for Transport or of the TPB;

- (i) the provision of emergency vehicular access, water supplies for firefighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (j) the submission and implementation of a development programme indicating the timing and phasing of the comprehensive development to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) the approved Master Layout Plan, together with the set of approval conditions, will 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 practicable;
- (b) to note the comments of the Director of Environmental Protection that any drainage in the covered carpark should be connected to foul sewers via petrol interceptor; and
- (c) to note the comments of the Project Manager (New Territories East), Civil Engineering and Development Department that his office is responsible to implement the project entitled “Ma On Shan Development – Roads, Drainage and Sewerage Works at Whitehead and Lok Wo Sha, Phase 2” which provides the necessary infrastructure to support various developments at Whitehead, including the Site. The applicant is required to liaise with his office if there is any update and revision of the reports on sewerage impact assessment, traffic impact assessment, drainage impact assessment and water supply impact assessment.”

[Ms Anita K.F. Lam returned and joined the meeting at this point.]

[Dr W.K. Yau and Mr Ivan C.S. Fu left the meeting temporarily at this point.]

## Agenda Item 9

### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/846                      Proposed Shop and Services in “Industrial” Zone, Workshop G2,  
LG/F., Valiant Industrial Centre, Nos. 2-12 Au Pui Wan Street, Fo Tan,  
Sha Tin  
(RNTPC Paper No. A/ST/846)

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### Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the proposed shop and services in “Industrial” zone;
- (c)    departmental comments – no objection from the concerned government departments was received;
- (d)    no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Sha Tin); and
- (e)    PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper.

44.            Members had no question on the application.

### Deliberation Session

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

temporary basis for a period of 3 years until 13.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) the submission and implementation of the fire safety measures within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2014; and
- (b) if the above planning condition (a) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the application premises;
- (b) a temporary approval of three years is given in order to allow the Committee to monitor the compliance of the approval conditions and the supply and demand of industrial floor space in the area to ensure that the long term planning intention of industrial use for the subject premises will not be jeopardised;
- (c) apply to the District Lands Officer/Shu Tin, Lands Department for a temporary waiver to permit the applied use;
- (d) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department that the proposed use shall comply with the requirements under the Buildings Ordinance. For instance, the shop shall be separated from the adjoining workshops by fire barriers with a fire resisting period of not less than two hours, and the means of escape of the existing premises shall not be adversely affected;
- (e) to note the comments of the Director of Fire Services that:



- (i) detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and a means of escape completely separated from the industrial portion should be available for the area under application;
  - (ii) regarding matters in relation to fire resisting construction of the application premises, the applicant is advised to comply with the requirements as stipulated in “Code of Practice for Fire Safety in Buildings” which is administered by the Building Authority; and
- (f) refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

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

**Agenda Item 10**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LYT/527      Proposed Two Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” Zones, Lots 639 S.A and 639 S.B in D.D. 83, Kwan Tei, Fanling  
(RNTPC Paper No. A/NE-LYT/527A)

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**Presentation and Question Sessions**

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

- (a) background to the application;

- (b) the proposed two houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site was a field for growing vegetables and agricultural activities in the vicinity were active;
- (d) during the first three weeks of the statutory publication period, three public comments were received. The two comments from Kadoorie Farm and Botanic Garden Corporation and Designing Hong Kong Limited were against the application for the reasons that the proposed Small House developments were not in line with the planning intention of “Agriculture” (“AGR”) zone, and the cumulative impacts of approving similar applications in the same “AGR” zone and the loss of land for agricultural use should be taken into account. Furthermore, no traffic or environmental assessments had been included in the submission. The remaining comment, submitted by a North District Council member suggested that the residents nearby should be consulted on the application;
- (e) the District Office (North) reported that the Resident Representative (RR) of Kwan Tei objected to the application on the ground that the application was a kind of private developer’s project which was not for dwelling purpose by the villager(s). The Chairman of Fanling District Rural Committee and an Indigenous Inhabitant Representative (IIR) of Kwan Tei had no comment on the application; and
- (f) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although DAFC did not support the application, it was considered that the application generally met the Interim Criteria in that more than 50% of the footprints of the proposed Small Houses fell within the “Village Type Development” (“V”) zone and there was insufficient land within the “V” zone of the same village to meet the Small House demand. Therefore, favourable consideration could be given to the application. Regarding the local objection from the RR of

Kwan Tei, it should be noted that as advised by the District Lands Officer/North, Lands Department, the application was submitted by two indigenous villagers although their eligibility for Small House concessionary grant had yet to be verified. The IIR of Kwan Tei had no comment on the application. Regarding the adverse public comments, although the proposed Small Houses were not in line with the planning intention of the “AGR” zone, the proposed Small Houses generally met the Interim Criteria and they were not incompatible with the surrounding area. Significant changes or disturbance to the existing landscape character and resources arising from the proposed development were not anticipated. Fifteen similar applications in the vicinity of the site were approved by the Committee between 2004 and 2013. Approval of the application was in line with the Committee’s previous decisions.

#### Deliberation Session

48. A Member said that the approval of the application would set an undesirable precedent as the application site was a piece of farmland under cultivation and therefore had reservation on the approval of the application.

49. Members noted that the main consideration in the assessment of the application was the location of the proposed Small Houses in relation to the “V” zone and the village ‘environ’. Other considerations that were applicable included site characteristics and the impacts of the proposed developments on the surrounding areas. For the subject application, as more than 50% of the footprints of the proposed Small Houses fell within the “V” zone and there was insufficient land within the “V” zone to meet the demand for Small Houses, in accordance with the Interim Criteria, favourable consideration could be given to the application. The Committee had previously considered two similar applications for Small House development (No. A/NE-LYT/399 and 400) at sites which were located to the immediate north of the subject application site. As the two sites fell outside the “V” zone, both applications were rejected.

50. The Chairman said that as the application was assessed in accordance with the Interim Criteria, the approval of the application was well-justified as it met the assessment

criteria.

51. 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 13.6.2018, 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 provision of septic tanks, as proposed by the applicants, at locations to the satisfaction of the Director of Lands 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 submission and implementation of landscape proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) to note the comments of the Chief Engineer/Development (2), Water Supplies Department as follows:
  - (i) for provision of water supply to the development, the applicants may need to extend their inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to his department’s standards; and
  - (ii) the Site is located within the flood pumping gathering ground;
- (b) to note the comments of the Director of Fire Services that the applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire

Safety Requirements' published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;

- (c) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that provision of tree planting along the site boundary can provide buffer/enhance the landscape quality;
- (d) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Sha Tau Kok Road to the Site is not maintained by her department; and
- (e) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) will comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

## **Agenda Item 11**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKL/472      Proposed 2 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” and “Village Type Development” Zones, Lots 531 S.F & S.G in D.D. 77, Ping Che, Ta Kwu Ling  
(RNTPC Paper No. A/NE-TKL/472)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from an agricultural point of view as the site fell largely within the “AGR” zone and it had high potential for agricultural rehabilitation. However, noting that the site was covered by common grass and shrubs, she had no strong view against the application from a nature conservation point of view. Should the application be approved, the applicants should be advised to implement necessary measures to avoid disturbing and polluting the nearby watercourse;
- (d) during the first three weeks of the statutory publication period, four public comments were received. One of them was from a North District Council member who supported the application considering that it would bring convenience to the villagers. A member of the public objected to the application as he considered that the Small House development would result in the depletion of land. Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation objected to and raised concern on the application respectively. The latter two generally considered that the proposed development was not in line with the planning intention of “AGR” zone. Furthermore, there were no environmental, traffic, drainage and sewage assessments included in the application. Approval of the proposed development would affect the existing and potential farming activities and would lead to adverse ecological impacts. The area of agricultural land in Hong Kong should not be further reduced so as to safeguard the food supply in Hong Kong;
- (e) the District Officer (North) reported that the incumbent District Council member supported the application, while the Secretary of Ta Kwu Ling District Rural Committee, the Indigenous Inhabitant Representative and the

Resident Representative of Ping Che had no comment on it; and

- (f) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Although DAFC did not support the application from an agricultural point of view and there were public comments objecting to the application, the application generally met the Interim Criteria in that more than 50% of the footprint of each of the proposed Small Houses fell within the 'VE' of Ping Che and there was insufficient land within the "V" zone to meet the Small House demand. The proposed Small Houses were not incompatible with the surrounding environment. Significant changes or disturbances to the existing landscape character and resources arising from the proposed developments were not anticipated. DAFC had no strong view on the application from a nature conservation point of view. As regards the concern that no environmental, traffic, drainage and sewage assessments were included in the application, relevant Government departments consulted including the Environmental Protection Department, Transport Department and Drainage Services Department had no objection to the application.

54. Noting that a majority part of the application site fell outside the "V" zone, the Chairman asked why the application was able to meet the requirements of the Interim Criteria. In response, Mr Wallace Tang said that if more than 50% of the footprint of the proposed Small House fell within the village 'environ' ('VE') and there was insufficient land within the "V" zone to meet the Small House demand, sympathetic consideration could be given to the application. As the subject application site fell entirely within the 'VE' and there was insufficient land within the subject "V" zone, PlanD had no objection to the application.

55. Referring to Plan A-2, the Chairman said that there were some vacant sites within the subject "V" zone and queried if there was insufficient land within the subject "V" zone to meet the Small House demand. In response, Mr Wallace Tang said that about 5.8 hectares of land (equivalent to about 232 Small House sites) was required to meet the demand of Small Houses in Ping Che Village. However, according to PlanD's latest estimate, only 3.9 hectares (equivalent to about 153 Small House sites) of land was available within the "V" zone of Ping Che Village.

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

56. The Chairman asked about the background of the six similar applications falling within or partly within the same “AGR” zone as shown on Plan A-1. In response, Mr Wallace Tang said that applications No. A/NE-TKL/348, 349, 350, 351, 352 and 353, each for one Small House development, were approved by the Committee in 2011 on the considerations that they fell entirely within the ‘VE’ and there was generally not enough land within the “V” zone to meet the Small House demand. Approval of the applications would not have adverse impacts on the surrounding environment. As these applications were generally in line with the Interim Criteria, they were approved by the Committee.

57. Referring to the aerial photo in Plan A-3, a Member noted that there were quite a few vacant sites in the subject “V” zone and asked whether the remaining vacant sites within the subject “V” zone could meet the Small House demand. In response, Mr Wallace Tang said that the applicants had indicated that the application site was the only piece of land owned by them. Regarding the six similar applications, as it would normally take some time for the applicants to get the approval from the Lands Department and to comply with the approval conditions imposed by the Town Planning Board, it was not unusual for the applicants to start constructing the proposed Small Houses some years after the approval of the planning applications.

#### Deliberation Session

58. A Member said that the proposed Small House developments should be confined within the “V” zone. If there were still vacant sites within the subject “V” zone, the application should not be approved. Another Member held the same view.

59. Members however noted that as indicated on Plan A-2, site formation works were being undertaken in the western part of the subject “V” zone. There were also plenty of existing Small Houses in the other “V” zone to the east of Ng Chow Road. There might not be too many vacant sites in the two “V” zones for proposed Small House development.

60. Members noted that a planning permission for Small House development would



normally have a validity period of four years. As the six similar applications were approved in 2011, the relevant planning permissions were still valid even though the proposed developments had not commenced yet.

61. The Vice-Chairman said that according to paragraph 11.2 of the Paper, while there was vacant land equivalent to 153 Small House sites in the “V” zone currently available for Small House development, only 52 outstanding Small House applications were being processed by LandsD, indicating that there might be room for more Small House development within the “V” zone. He said that one of the main issues in considering applications for Small Houses was that the 10-year Small House demand forecast was provided by the relevant indigenous inhabitant representatives and there was no way to verify its accuracy. When considering a recent application on review for a Small House development, the Board deferred the application and requested PlanD to provide more information.

62. A Member said that, in general, applications that fell entirely outside “V” zone should not be approved if there were still plenty of vacant sites within the “V” zone.

63. A Member agreed with the views of other Members and said that besides the assessment criteria concerning the location of the proposed Small Houses in relation to the “V” zone and the ‘VE’, other assessment criteria in the Interim Criteria were also relevant to the subject application. In particular, if the proposed development would frustrate the planning intention of the “Agriculture” zone, criterion (f) would be contravened.

64. The Chairman said that all relevant criteria in the Interim Criteria should be considered when assessing an application for Small House development and not all applications that fell entirely within the ‘VE’ should be approved. For the subject application, it appeared that there were quite a few vacant sites in the “V” zone. He suggested that the application should be deferred and PlanD should be requested to provide more information to facilitate the Committee to further consider the application. Members agreed.

65. After further deliberation, the Committee decided to defer a decision on the application pending the submission of further information by PlanD on the situation of vacant

land in the two “V” zones to the south and north of Ng Chow Road, the number of Small House applications that were being processed or were already approved by LandsD within the two “V” zones, and the progress of the six similar applications that were approved by the Committee in 2011. The information collected should be submitted to the Committee for further consideration of the application.

[Ms Janice W.M. Lai and Dr Eugene K.K. Chan left the meeting at this point.]

### **Agenda Items 12 and 13**

#### **Section 16 Applications**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KLH/461      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Lot 183 S.A in D.D. 9, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/461A and 462A)

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A/NE-KLH/462      Proposed House (New Territories Exempted House - Small House) in  
“Green Belt” Zone, Lot 183 S.B in D.D. 9, Kau Lung Hang, Tai Po  
(RNTPC Paper No. A/NE-KLH/461A and 462A)

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66.            Noting that the two applications were similar in nature and the sites were located in close proximity to each other, Members agreed that the applications should be considered together.

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

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

- (a) background to the applications;
- (b) the proposed houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and

Conservation (DAFC) had no strong view on the applications if there were no alternative sites available in the area. However, the development of the subject Small Houses and related infrastructure would require felling of trees and clearance of vegetation in “Green Belt” (“GB”) zone. A natural stream to the north of the sites was connected to the Kau Lung Hang Ecological Important Stream (EIS) and any pollution from the proposed development during construction stage might cause ecological impact to the EIS. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation on the applications. Although significant adverse impact on landscape resources was not anticipated, the applications, if approved, might set an undesirable precedent and encourage Small House development within the “GB” zone, leading to degradation of landscape quality in the surrounding areas;

- (d) during the first three weeks of the statutory publication periods of the applications and the further information, seven public comments were received. They were submitted by Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation, the Hong Kong Bird Watching Society and WWF-Hong Kong. They objected to the applications mainly on the grounds that (i) the proposed developments were not in line with the planning intention of “GB” zone; (ii) the proposed developments would cause adverse landscape and ecological impact to surrounding areas including the deterioration of the water quality of the EIS; and (iii) approval of the applications would set an undesirable precedent to the subject “GB” zone; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 12 of the Paper. To address the concerns of DAFC and CTP/UD&L, PlanD, appropriate approval conditions and advisory causes were suggested for Members’ consideration. Regarding the adverse public comments, it should be noted that the applications generally complied with the Interim Criteria in that there was a general shortage of land in meeting the demand for Small House development in the “V” zone, and more than 50% of the footprint of the proposed Small

House fell within the village 'environ' ('VE'). The proposed Small Houses would also be able to connect to the planned sewers in the vicinity. The proposed houses were not incompatible with the existing rural environment. Relevant approval conditions and advisory causes were suggested to address the landscape and drainage concerns.

68. In response to a question from a Member, Mr C.T. Lau said the information contained in paragraph 12.2, including the 10-year Small House demand forecast and the amount of land within the "V" zone available for Small House development, was updated regularly with the assistance of the Lands Department (LandsD). The estimated number of vacant sites available for Small House development was based on the assumption that one hectare of vacant land could accommodate approximately 40 Small Houses, having taken into account the need to provide roads and other infrastructure to serve the villages and the fact that some vacant sites might not be suitable for Small House development.

69. In response to a question from the Chairman, Ms Anita K.F. Lam said that the 154 outstanding Small House applications included those applications that were awaiting processing or were being processed by LandsD. The application sites of these outstanding applications were within the 'VE', with some of them being within the "V" zone.

70. In response to a question from a Member, Mr C.T. Lau said that the application sites were next to a stream.

71. A Member asked how the applications should be assessed considering that the application sites fell within the "GB" zone. In response, Mr C.T. Lau said that the sites were covered with grass, shrubs and several small trees of common species. CTP/UD&L, PlanD had been consulted on the applications and she considered that significant adverse impact on landscape resources was not anticipated. PlanD had no objection to the applications taking into account the view of CTP/UD&L and other relevant considerations including their compliance with the Interim Criteria.

#### Deliberation Session

72. The Vice-Chairman said that as the number of outstanding Small House

applications was relatively low in comparison to the amount of land that were available for Small House development within the “V” zone, it might be more appropriate to confine the Small House development to the “V” zone. Furthermore, when considering the applications, the planning intention of the “GB” zone, which included a general presumption against development, would need to be taken into account.

73. A Member said that if an application site involved the “GB” zone, very strong justifications had to be provided by the applicant for the consideration of the Committee. This Member noted that the Board had recently rejected an application for review for a Small House development in Tai Mei Tuk, mainly considering that the application site fell within the “GB” zone and the proposed development would lead to adverse landscape impacts.

74. The Chairman concluded that Members generally did not support the applications on the consideration that the applicants had not provided strong justifications in support of the applications, and there were still vacant sites within the “V” zone for the development of Small Houses. The applicants should be advised to consider developing Small Houses within the “V” zone.

75. The Vice-Chairman said that if the Committee agreed to reject the applications, considerations could be given to including a rejection reason to the effect that there was still plenty of vacant land within the “V” zone for the development of Small Houses. Another Member supported the inclusion of an additional rejection reason as suggested by the Vice-Chairman.

76. The Chairman said that as the subject “V” zone was large, there was potential for the applicants to look for a suitable site within the “V” zone for Small House developments. In view of this, it was suggested that the amount of vacant land that was available for development within the “V” zone be incorporated into the proposed reason for rejecting the applications.

77. Ms Anita K.F. Lam said that there could be situations where some applicants were unable to find a suitable site within the “V” zone for Small House development as the landowners were reserving their own land for their descendants and were therefore unwilling to put it up for sale. Those applicants might have no choice but to look for a site outside the

“V” zone. They might raise their concerns if the Committee rejected their applications solely for the reason that they were still vacant sites within the “V” zone. While noting Ms Lam’s concern, the Chairman said that whether there was a general shortage of land in meeting the demand for Small House development within the “V” zone was a valid assessment criterion when considering an application for Small House development.

78. After further deliberation, the Committee decided to reject the applications. Members then went through the reasons for rejection as stated in paragraph 13.3 of the Paper and agreed that they should be suitably amended to reflect Members’ views as expressed at the meeting. The reasons were:

- “(a) about 7.24 hectares of land were available within the “V” zone of Yuen Leng, Kau Lung Hang Lo Wai and Kau Lung Hang San Wai, which was more than enough to meet the total number of outstanding Small House applications. Land is still available within the “V” zone for Small House development;
- (b) the proposed developments are not in line with the planning intention of “Green Belt” (“GB”) zone, which is primarily for defining the limits of urban and sub-urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlets. There is a general presumption against development within this zone. There is no strong planning justification given in the submissions for a departure from the planning intention of the “GB” zone;
- (c) the proposed developments do not comply with the Interim Criteria for assessing planning application for New Territories Exempt House/Small House development in that the proposed developments would cause adverse landscape impact to the surrounding area;
- (d) the applications do not comply with the Town Planning Board Guidelines No. 10 (TPB-PG No. 10) for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the

proposed developments would affect the existing natural landscape on the surrounding environment; and

- (e) the approval of the applications would set an undesirable precedent for similar applications in the area. The cumulative impacts of approving such applications would result in a general degradation of the environment and landscape quality of the area.”

[Mr Frankie W.P. Chou left the meeting at this point.]

### **Agenda Item 14**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/504            Proposed 4 Houses (New Territories Exempted Houses - Small Houses) in “Agriculture” Zone, Lots 68 S.A, 68 S.B, 68 S.C and 68 S.D in D.D. 18, Tai Om Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/504)

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

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

- (a) background to the application;
- (b) the proposed four houses (New Territories Exempted Houses - Small Houses);
- (c) departmental comments – the Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as there were active agricultural activities in the vicinity and the site had high potential for rehabilitation of agricultural activities;

- (d) during the first three weeks of the statutory publication period, three adverse public comments were received. They were submitted by the Bird Watching Society, Designing Hong Kong Limited and WWF-Hong Kong. They objected to the application mainly on the grounds that (i) the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone and the site was suitable for agricultural activities; (ii) the application did not include traffic and environmental assessments; (iii) cumulative impacts including the diminishing of farming potential should be considered; and (iv) the proposed development would have adverse sewerage impact on the natural stream in the vicinity; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the view of DAFC and the adverse public comments, it should be noted that the application generally met the Interim Criteria in that more than 50% of the footprint of the proposed Small Houses fell within the village ‘environ’ of Tai Om and there was a general shortage of land in meeting the demand for Small House development in the “V” zone. The proposed Small Houses were also able to be connected to the planned sewerage system in the area. The proposed Small Houses were not incompatible with the surrounding rural setting. Relevant Government departments including the Director of Environmental Protection and the Chief Town Planner/Urban Design and Landscape, Planning Department and the Chief Engineer/Development (2), Water Supplies Department had no objection to the application.

80. Members had no question on the application.

#### Deliberation Session

81. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.6.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following conditions :



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

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

- “(a) to note the Director of Environmental Protection’s comments that construction of houses shall not be commenced before the completion of the planned sewerage system; the applicants shall connect the houses to the future public sewer at their own costs; the sewerage connection point shall be within the Site; and adequate land should be reserved for the future sewer connection work;
- (b) to note the comments of Chief Engineer/Mainland North and the Chief Engineer/Project Management, Drainage Services Department (DSD) that:
  - (i) public stormwater drain is not available for connection in the vicinity of the subject lots. Any proposed drainage works, whether within or outside the lot boundary, should be constructed and maintained by the applicants at their own expense. The applicants/owners are required to rectify the drainage system if it is found to be inadequate or ineffective during operation, and to indemnify the Government against claims and demands arising out of damage or nuisance caused by failure of the system; and

- (ii) the scope of provision of village sewerage to Lam Tsuen Valley “Village Type Development” zone area is being finalised under DSD’s project 4332DS “Lam Tsuen Valley Sewerage”. The village sewerage works in Tai Om Tsuen have started in October 2012 for completion in mid-2016 tentatively subject to the land acquisition progress. There is no existing public sewerage system connection available now. The applicants could extend the sewer via other private/government land to the proposed public sewers by themselves if they would like to discharge the sewage into the public sewerage system. The above information is preliminary and will be subject to revision due to actual site situation. The applicants should be advised that the public sewerage system in Tai Om is not functional at this moment. The system will only be in operation after the completion of public sewerage system at its downstream and after the commissioning of Lam Tsuen Valley Sewerage Pumping Station. According to the Contractor’s programme, the anticipated completion date for the public sewerage system in Tai Om is mid-2015;
  
- (c) to note the Director of Fire Services’ comments that the applicants are reminded to observe ‘New Territories Exempted Houses – A Guide to Fire Safety Requirements’ published by Lands Department (LandsD). Detailed fire safety requirements will be formulated upon receipt of formal application referred by LandsD;
  
- (d) to note the Chief Highway Engineer/New Territories East, Highways Department’s comments that there is no access which is maintained by Highways Department leading to the site;
  
- (e) to note the Chief Engineer/Development (2), Water Supplies Department’s (WSD) comments that:
  - (i) the foul water drainage system of the proposed New Territories

Exempted House (NTEH)/Small Houses should be connected to the planned public sewerage system in the area and the applicants shall connect the whole of the foul water drainage system to the planned public sewerage system upon its completion;

- (ii) since the proposed NTEHs/Small Houses are less than 30m from the nearest water course, the houses should be located as far away from the water course as possible; the whole of foul effluent from the proposed NTEHs/Small Houses shall be conveyed through cast iron pipes or other approved material with sealed joints and hatchbox; the applicants shall submit an executed Deed of Grant of Easement for each private lot through which the sewer connection pipes are proposed to pass to demonstrate that it is both technically and legally feasible to install sewerage pipes from the proposed NTEHs/Small Houses to the planned sewerage system via relevant private lots; and
  - (iii) for provision of water supply to the development, the applicants may need to extend the inside services to the nearest suitable government water mains for connection. The applicants shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the Director of Electrical and Mechanical Services' comments that the applicants shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable and/or overhead line within or in the vicinity of the Site. Based on the cable plans and relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the Site, the applicants shall carry out the following measures:
- (i) for application site within the preferred working corridor of high

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

- (ii) prior to establishing any structure within the application site, the applicants and/or their contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structures; and
  - (iii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and their contractors when carrying out works in the vicinity of the electricity supply lines;
- (g) to note that the permission is only given to the development under the application. If provision of an access road is required for the proposed development, the applicants should ensure that such access road (including any necessary filling/excavation of land) would comply with the provisions of the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.

### **Agenda Item 15**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-SSH/89      Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 5 Years in “Village Type Development” Zone, Lots 1046, 1047 and 1051(Part) in D.D. 165 and Adjoining Government Land, Tseng Tau Village, Sai Kung North  
(RNTPC Paper No. A/NE-SSH/89A)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary eating place (outside seating accommodation of a restaurant);
- (c) departmental comments – no objection from the concerned government departments was received;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Tai Po); and
- (e) PlanD's views – PlanD considered that the temporary eating place could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper.

84. Members had no question on the application.

Deliberation Session

85. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.6.2017, 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 pm and 7:00 a.m., as proposed by the applicant, is allowed on the Site during the planning approval period;
- (b) the submission of landscape and tree preservation proposals within 6 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 13.12.2014;

- (c) in relation to (b) above, the implementation of the landscape and tree preservation proposals within 9 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 13.3.2015;
- (d) the submission of drainage proposal within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.12.2014;
- (e) in relation to (d) above, the implementation of the drainage proposal within 9 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.3.2015;
- (f) the submission of fire service installations (FSIs) and water supplies for fire fighting proposals within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2014;
- (g) the provision of FSIs and water supplies for fire fighting within 9 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.3.2015;
- (h) if the above planning condition (a) is not complied with at any time during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (i) if any of the above planning conditions (b), (c), (d), (e), (f) or (g) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall be revoked on the same date without further notice; and
- (j) 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.”

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

- “(a) the applicant should resolve any land issues relating to the development with the concerned owners of the application site;
- (b) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) to note the District Lands Officer/Tai Po, Lands Department’s (LandsD) comment that the owners of Lot 1046 and 1047 in D.D. 165 are required to apply for Short Term Waiver (STW) to LandsD. There is no guarantee that such approval for STW will eventually be given by LandsD. As a small piece of Government land is involved for the Site, the applicant is also required to apply for a Licence of outside restaurant seating accommodation to the Director of Food and Environmental Hygiene directly so as to possibly regularise the case at once if circumstance permits. Otherwise, appropriate land control action would be considered to be taken by LandsD. There is no guarantee that such approval for the said licence will be given;
- (d) to note the comments of the Director of Fire Services (D of FS) that if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) would be needed. In such circumstances, except where building plans are circulated to the Buildings Department, the applicant is required to send the relevant layout plans incorporated with the proposed FSIs to the D of FS for approval. In doing so, the applicant should note that:
  - (i) the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and

- (ii) the locations of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans;
- (e) to note the Director of Environmental Protection's comments that:
- (i) the applicant should have a proper planning and good house-keeping to noisy machines/equipment (such as locating the machine/equipment away from Noise Sensitive Receivers, use of quiet machine, adopting noise mitigation/silencing measures) to avoid noise nuisances to nearby residents;
  - (ii) the applicant is required to check with the Regional Office (North) of Environmental Compliance Division of Environmental Protection Department for the licensing requirements of wastewater generated from the restaurant; and
  - (iii) the applicant is reminded to check with Food and Environmental Hygiene Department for any relevant license requirements regarding the operation of the restaurant;
- (f) to note the Chief Engineer/Mainland North, Drainage Services Department's (DSD) comments that:
- (i) there is no existing DSD maintained public drain available for connection in this area. Any existing flow path affected should be re-provided. The applicant/owner is required to maintain the drainage systems properly and rectify the system if they are found to be inadequate or ineffective during operation. The applicant/owner shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by failure of the system;
  - (ii) for works to be undertaken outside the lot boundary, prior consent and agreement from LandsD and/or relevant private lot owners



should be sought; and

- (iii) there is no existing public sewerage in the vicinity of the Site;
- (g) to note the Chief Highway Engineer/New Territories East, Highways Department's (HyD) comments that the access road from Sai Sha Road leading to the Site is not maintained by HyD; and
- (h) to note the Director of Electrical and Mechanical Services' comments that:

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

- (i) for application site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary;
- (ii) prior to establishing any structure within the application site, the applicant and/or his contractors shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure; and
- (iii) the "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines."

**Agenda Item 16**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/DPA/NE-YTT/3 Proposed Village Office in “Unspecified Use” area, Government Land  
in D.D. 27, Luen Yick Fishermen Village, Tai Po  
(RNTPC Paper No. A/DPA/NE-YTT/3)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed village office;
- (c) departmental comments – no objection from the concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, two public comments were received. They were submitted by the Tai Po Rural Committee (TPRC) and a member of the public. While the TPRC supported the application for the reason that the proposed development could provide an office and a place for social activities for the villagers, the member of the public objected to the application mainly for the reason that the piece of land should not be used for private facilities; and
- (e) PlanD’s views – PlanD had no objection to the application based on the assessments made in paragraph 9 of the Paper. Regarding the adverse public comment, in view of the small scale of the proposed development and the fact that the site was hard-paved with no vegetation, it would

unlikely lead to adverse impacts on the surrounding areas. Relevant Government departments had no objection to the application.

88. Members had no question on the application.

#### Deliberation Session

89. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.6.2018, and after the said date, the permission should cease to have effect unless before the said date, the development permitted was commenced or the permission was renewed. The permission was subject to the following condition:

- “the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

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

- “(a) to note the comments of the District Lands Officer/Tai Po, Lands Department (LandsD) that the Site will be available for the proposed village office upon completion of the slope improvement works which is scheduled for 31.7.2014. Should the planning application be approved by the Board, LandsD will have to examine the feasibility of the amendments made in the application. There is no guarantee that such approval will be given. If approved by the LandsD acting in the capacity as landlord, such approval might be subject to such terms and conditions, including payment of free/rental, as imposed by LandsD;
- (b) to note the comments of the Commissioner for Transport that the existing village access connecting the site to Sam Mun Tsai Road is not under the Transport Department’s management. The land status, management and maintenance responsibilities of the village access should be clarified with the relevant land and maintenance authorities accordingly in order to avoid potential land disputes;

- (c) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that there is no public drain in the vicinity of the site. The applicants are required to maintain the drainage systems properly and rectify the systems if they are found to be inadequate or ineffective during operation. The applicants/owners shall also be liable for and shall indemnify claims and demands arising out of damage or nuisance caused by a failure of the systems. There is an existing public sewerage for connection in the vicinity of the Site currently. The Director of Environmental Protection should be consulted regarding the sewage treatment/disposal aspects of the proposed development;
- (d) to note the comments of the Director of Environmental Protection that the applicants should connect the proposed village office to the public sewer at their own cost;
- (e) to note the comments of the Chief Engineer/Development(2), Water Supplies Department (WSD) that for provision of water supply to the proposed development, the applicant may need to extend the inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards;
- (f) to note the comments of the Director of Fire Services that the applicant is reminded to observe 'New Territories Exempted Houses – A Guide to Fire Safety Requirements' published by LandsD. Detailed fire safety requirements will be formulated during land grant stage; and
- (g) to note that the permission is only given to the development under application. If provision of an access road is required for the proposed development, the applicant should ensure that such access road (including any necessary filling/excavation of land) will comply with the provisions of

the relevant statutory plan and obtain planning permission from the TPB where required before carrying out the road works.”

**Agenda Item 17**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TP/547                      Proposed Religious Institution and Columbarium in “Green Belt” Zone, Lots 6 RP, 54 RP, 56, 440 S.A RP, 441 RP, 443 S.A, 443 RP and 445 in D.D. 24 and Adjoining Government Land, No. 43 Ma Wo Road, Tai Po  
  
(RNTPC Paper No. A/TP/547A)

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Presentation and Question Sessions

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

- (a)    background to the application;
- (b)    the proposed religious institution and columbarium;
- (c)    departmental comments – the Food and Health Bureau (FHB) commented that in order to promote regularisation of private columbaria, and on condition that the relevant private columbarium had to comply with all statutory and government requirements, the FHB and the Food and Environmental Hygiene Department generally would not object to any such planning application. However, practicable transport and crowd control/management plans and other mitigation measures would be needed. The Commissioner for Transport (C for T) could not offer his support to the application at this juncture as the submission was considered insufficient to justify that the traffic arrangement was acceptable. In particular, the visit-by-appointment booking scheme was considered as an

administrative measure and the enforceability of this vital control for the proposed development was in doubt. As for the proposed clockwise gyratory traffic system, the applicant should clarify with the relevant lands and maintenance authorities on the management and maintenance responsibilities of that access road, in particular the traffic impact arising from the proposed traffic arrangement on the access road. The applicant had not addressed his comment on whether the Police had made a formal agreement with the applicant on the offering of support for traffic control. It was also noted that proposed number of parking spaces, loading/unloading area and the parking for disable were different on normal days and during the festivals;

- (d) during the first three weeks of the statutory publication period of the application, a total of 1,674 public comments were received, with 1,453 comments opposing the application and the remaining 221 comments offering support. The Alliance against Chung Woo Ching Sai's Columbarium at Tai Po Ma Wo raised strong objection to the application. The majority of the opposing comments were from the residents of Dynasty View, Grand Dynasty View and Classical Gardens. They objected to the application mainly on the following grounds: (i) the proposed conversion of "Green Belt" zone into religious institution and columbarium uses would lead to further decrease in the existing greenery in the area; (ii) the proposed development would pose adverse traffic, visual, health, psychological, hygiene and environmental impacts on the surrounding areas; and (iii) the existing columbarium was illegally built. In 2006, the Buildings Department (BD) served a demolition order on the columbarium for removal of the unauthorised structures within the application site. Further prosecution action would be taken by BD;
- (e) the 221 supporting comments were mainly from private individuals. Their main views are summarised as follows: (i) Chung Woo Ching Sai was a long-established non-profit making religious institution and it was a well-managed and reputable temple. A columbarium was built in the 1970s to serve the need of the followers; (ii) it would provide ample

parking spaces and special traffic arrangements during Ching Ming and Chung Yeung Festivals; and (iii) the columbarium was in a remote location and shielded by trees, slopes and noise barriers. It was not easily visible to outsiders;

- (f) during the first three weeks of the statutory public inspection period of the further information, a total of 1,875 public comments, including 1,533 opposing comments, 22 neutral comments and 320 supporting comments, were received. Their reasons for supporting and opposing the columbarium were similar to those previously received;
- (g) the District Officer/Tai Po, Home Affairs Department (DO/TP, HAD) commented that as niches would be provided and it was likely that the parking spaces might encourage visitors to the columbarium to use private vehicles and might therefore further aggravate the traffic congestion at Ma Wo Road and its vicinity, strong objections from the relevant locals, including the residents of Classical Gardens, were anticipated; and
- (h) PlanD's views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper, which were summarised as follows:

'Destroy first, and build later' and Unauthorised Building Works

- (i) the existing development at the site involved 'destroy first, and build later' activities. According to the aerial photos, the site was once covered by dense vegetation in a rural landscape surrounding. Since around 1993, tree removal and vegetation clearance had taken place to make way for the current unauthorised buildings, structures and columbarium at the site. The more prominent works found at the site included the erection of the terraced open-air columbarium at the northwestern corner around 1993 and the site formation for the elevated podium deck in 2006. There was no record of approval by the Building Authority for the structures at the Site and a demolition order on the podium deck had been served. LandsD also advised

that there were suspected unauthorised structures, including the existing columbarium building and the terraced open-air columbarium, within the site. As there were known and suspected unauthorised building works (UBWs) within the Site, it was inappropriate for the Board to approve the application which might in effect condone the UBWs. Approval of the application with known unauthorised building structures and columbarium would set an undesirable precedent for other planning applications and it might encourage extensive vegetation clearance within the “GB” zone, leading to degradation of landscape quality in the area;

Planning Intention

- (ii) the site fell within the “GB” zone which was primarily to define the limits of urban development areas by natural features and to contain urban sprawl as well as to provide passive recreational outlet. There was a general presumption against development within this zone. There was no strong planning justification in the submission to justify a departure from this planning intention;

Land Use Compatibility

- (iii) the surrounding areas immediate to the southeast of the site were mainly occupied by medium-density residential developments including Dynasty View, Grand Dynasty View, Classical Gardens and Balmoral. The proposed columbarium use with 3,330 niches and 6,000 memorial photo-plates was considered not compatible with the existing residential developments in the area;

Traffic

- (iv) C for T did not support the application as the submission failed to demonstrate that the traffic arrangement was acceptable. The enforceability of visit-by-appointment booking scheme, and whether the proposed clockwise gyratory traffic system could be effectively implemented were in doubt; and



Previous Applications

- (v) three previous applications solely for religious institution use involving the subject site had been rejected by the Committee or the Board on review. With the incorporation of columbarium use, the potential impacts arising from the proposed development and the problem of land use incompatibility would be worsened. There was no strong planning justification in the submission to warrant a departure from the previous decisions of the Committee and the Board.

92. In response to a question from the Chairman, Mr C.T. Lau said that the existing columbarium had about 3,330 niches, amongst which 3,200 niches had been sold.

Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zoning for the area which is 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 is a general presumption against development within this zone. There is no strong planning justification in the submission to justify a departure from this planning intention;
- (b) the proposed columbarium use is considered not compatible with the existing residential developments in the surrounding areas;
- (c) the application does not comply with the Town Planning Board Guidelines for “Application for Development within “GB” zone under section 16 of the Town Planning Ordinance” in that the applicant fails to demonstrate that the proposed development would have no adverse traffic impacts on

the surrounding areas and the proposed traffic arrangement could satisfactorily resolve the possible adverse traffic impacts;

- (d) the application does not comply with the Town Planning Board Guidelines for ‘Application for Development within “GB” zone under section 16 of the Town Planning Ordinance’ in that the proposed development has involved extensive clearance of vegetation and generate adverse landscape impact to the area; and
- (e) approval of the application would set an undesirable precedent for similar applications in the area, encouraging ‘destroy first, and build later’ activities and extensive vegetation clearance and lead to degradation of landscape quality in the area.”

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

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

#### **Agenda Items 18 and 19**

##### **Section 16 Applications**

[Open Meeting]

A/FSS/218                      Proposed Public Utility Installation (Package Substation) in “Green Belt” Zone, Government Land in D.D. 92, Tsung Pak Long, Sheung Shui  
(RNTPC Paper No. A/FSS/218)

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A/FSS/219                      Proposed Public Utility Installation (Package Substation) in “Green Belt” Zone, Government Land in D.D. 92, Tsung Pak Long, Sheung Shui  
(RNTPC Paper No. A/FSS/219)

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94.            Noting that the two applications were similar in nature and the sites were within the same “Green Belt” zone, Members agreed that the applications should be considered together.

95.            The Committee noted that this was the first deferment request for both applications. On 27.5.2014, the applicant requested for deferment of the consideration of the applications for one month in order to allow time to prepare further information to address the comments of the relevant Government departments.

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

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

**Agenda Item 20**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/FSS/220                      Proposed Minor Relaxation of Maximum Domestic Plot Ratio Restriction from 5 to 6 for Permitted Commercial/Residential Development with Provision of Public Car Parking Spaces in “Commercial/Residential” Zone, Government Land at the Junction of Luen Hing Street, Wo Fung Street and Luen Shing Street, Luen Wo Hui, Fanling  
  
(RNTPC Paper No. A/FSS/220)

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97.            The Secretary reported that the application was submitted by the Lands Department (LandsD). Ms Anita K.F. Lam declared an interest as she was a representative of Lands Department. Ms Janice Lai had also declared an interest as her firm had current business dealings with LandsD. Members noted that Ms Lai had already left the meeting.

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

**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed minor relaxation of maximum domestic plot ratio restriction from 5 to 6 for permitted commercial/residential development with provision of public car parking spaces;
- (c) departmental comments – the Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application but commented that there was no landscape buffer between the proposed residential development and the Grade 3 historic building,

Luen Wo Market. She advised that tree planting should be provided along the boundary of the residential development adjoining the non-building area (NBA). All trees should be planted at grade, preferably on a 3m-wide planting area and adequate headroom (not less than 8 times of tree planting area) should be provided for tree growing;

- (d) during the first three weeks of the statutory publication period, three public comments were received. Designing Hong Kong Limited objected to the application mainly on the grounds that there were no assessments on the environmental, visual, landscape and traffic impacts, and approval of the application would set an undesirable precedent for similar applications. The other two commenters had no comment on the application;
- (e) the District Officer (North), Home Affairs Department (DO(N), HAD) reported that the Luen Woo Chamber of Commerce supported the application as more units would be provided for commercial and residential uses. However, the Chairperson of the Owners' Corporation of The Cornwall objected to the application as the facilities within the area, such as parking facilities, could not meet the demand of increasing population; and
- (f) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 10 of the Paper. Regarding the adverse public comment, concerned Government departments including the Director of Environmental Protection, the Chief Engineer/Mainland North, Drainage Services Department, the Commissioner for Transport and the CTP/UD&L, PlanD had confirmed that even with the 20% increase in domestic plot ratio, the proposed development would not generate significant adverse impacts on the environmental, drainage, sewerage, traffic and visual aspects. As for landscape impacts, CTP/UD&L, PlanD advised that tree planting should be provided along the boundary of the residential development adjoining the non-building area (NBA). A relevant advisory clause was suggested for Members' consideration. Regarding the objection of the Chairperson of the Owners' Corporation of

The Cornwall, it should be noted that 100 public car parking spaces would be reprovisioned within the site to serve the local community and the Transport Department had no adverse comment on the application.

99. Members had no question on the application.

#### Deliberation Session

100. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.6.2018, 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.

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

“(a) to note the Chief Building Surveyor/New Territories West, Buildings Department’s (BD) comments:

- (i) before any new building works are to be carried out on the application site, the prior approval and consent of the BD should be obtained. An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
- (ii) in connection with (i) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- (iii) if the site abuts on a specified street of not less than 4.5m wide, its permitted development intensity shall be within the permissible plot ratio and site coverage as stipulated in the First Schedule of the B(P)R;

- (iv) the sustainable building design requirements and the pre-requisites under Practice Notes for Authorized Persons (PNAP) APP-151 & 152 for gross floor area (GFA) concessions would be applicable to the redevelopment. In this connection, any non-mandatory or non-essential plant rooms of the development may be accountable for GFA under the BO subject to their compliance with the above PNAPs; and
  - (v) formal submission of any proposed new building works for approval and consent under the BD is required. Detailed consideration will be made at the building plan submission stage; and
- (b) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's comments that tree planting should be provided along the boundary of the residential development adjoining the non-building area and all trees should be planted at grade, preferably on a 3m-wide planting area and adequate headroom (not less than 8 times of tree planting area) for tree growing.”

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

### **Agenda Item 21**

#### **Section 16 Application**

[Open Meeting]

A/FSS/221                      Proposed Social Welfare Facility (Residential Care Home for the Elderly ) in “Green Belt” Zone, No. 18 Wu Tip Shan Road, Fanling  
(RNTPC Paper No. A/FSS/221)

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102.            The Committee noted that this was the first deferment request sought by the applicant. On 27.5.2014, the applicant requested for deferment of the consideration of the application for one month in order to allow time to prepare further information to address the comments of relevant Government departments.

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

## **Agenda Item 22**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/368      Proposed House (New Territories Exempted House - Small House) in  
"Agriculture" Zone, Lot 507 S.C in D.D. 94, Hang Tau Village,  
Sheung Shui  
(RNTPC Paper No. A/NE-KTS/368)

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### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed house (New Territories Exempted House - Small House);
- (c) departmental comments – the District Lands Officer/North, Lands Department (DLO/N, LandsD) commented that as the site fell outside the village 'environ' ('VE') of Hang Tau Village, Small House application in



respect of the site would not be considered. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as active farming activities were noted in the vicinity of the site and the site had high potential for agricultural rehabilitation. He also noted that there was a fairly large tree of native species to the north-west of the site which might be affected. Should the application be approved, appropriate measures should be taken to avoid impacts on the tree. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had no objection to the application. She advised that the two existing trees of common species within the site would likely be affected by the proposed Small House and disturbance to the existing landscape resources and character was anticipated. The Commissioner for Transport (C for T) had reservation on the application. He considered that Small House 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 for similar applications in the future. The resulting cumulative adverse traffic impact could be substantial;

- (d) during the first three weeks of the statutory publication period, four public comments were received. One of the comments was submitted by a North District Council member. He supported the application as the proposed development would bring convenience to the concerned villagers. The other three comments were submitted by Designing Hong Kong Limited, Kadoorie Farm and Botanic Garden Corporation and a member of the general public. They objected to the application mainly for the reasons that (i) the site fell within the “Agriculture” (“AGR”) zone and there were active farming activities in the vicinity of the site. The land in the “AGR” zone in Hang Tau Village was still suitable for farming; (ii) no environmental, traffic, drainage and sewerage impact assessments had been submitted to support the application. There was no drainage nor sewerage facility at the site and the site had no vehicular access; (iii) the Committee should consider the potential cumulative impact of approving Small House

applications in “AGR” zone, e.g. overloading of the soakaway system, increase in human disturbance and degradation in farmland and the rural character of the area;

- (e) the District Officer (North) reported that the two Indigenous Inhabitant Representatives (IIRs) of Hang Tau objected to the application on the grounds that (i) the construction of the proposed 3-storey Small House would likely lead to landslides as it was located at a hillside; and (ii) the livelihood of nearby villagers would be adversely affected; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper. The proposed development was not in line with the planning intention of the “AGR” zone. In addition, the application did not comply with the Interim Criteria as the site and the footprint of the proposed Small House fell entirely outside the ‘VE’ and the “V” zone. Village house development should be located close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There was still 4.97 hectares of land (about 198 Small House sites) within the “V” zone for Small House development. DAFC, CTP/UD&L, PlanD and C for T had raised their respective concerns on the application. Approval of the application would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would cause adverse traffic impact on the area.

105. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone in the Kwu Tung South area which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes and to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the submission for a departure from the planning intention;
- (b) the application does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House (NTEH)/Small House in New Territories in that the Site and the footprint of the proposed Small House fall entirely outside the village ‘environs’ and “Village Type Development” (“V”) zone of Hang Tau Village. Land is still available within the “V” zone of Hang Tau Village where land is primarily intended for Small House development. Village house development should be sited close to the village proper as far as possible to maintain an orderly development pattern, efficient use of land and provision of infrastructure and services. There is no exceptional circumstances to justify approval of the application; and
- (c) approval of the application, which does not comply with the Interim Criteria for Consideration of Application for NTEH/Small House in New Territories, would set an undesirable precedent for other similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would cause adverse traffic impact on the area.”

## **Agenda Item 23**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-NTM/297      Social Welfare Facility (Private Residential Care Home for Persons with Disabilities) in “Village Type Development” zone, Lots 1579 RP (Part), 1618 (Part), 1619 RP (Part), 1620 RP (Part) in D.D. 104 and Adjoining Government Land, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/297A)

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### **Presentation and Question Sessions**

107.      Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the social welfare facility (private residential care home for persons with disabilities) (RCHD);
- (c) departmental comments – the Director of Social Welfare (DSW) welcomed the continued operation of the RCHD to provide service to persons with disabilities who were in need of residential care;
- (d) during the first three weeks of the statutory publication period of the application, one public comment was received from the San Tin Rural Committee (STRC). It objected to the application as complaints were received from the local villagers against the noise and other nuisance from the private RCHD and the adjacent elderly centre. As there was already a shortage of parking facilities, the RCHD would worsen the situation and create illegal parking on pavements which would adversely affect the villagers and increase the risk in traffic accident;
- (e) during the first three weeks of the statutory publication period of the further

information, two public comments submitted by STRC and a group of villagers were received. Their reasons for objecting the applications were similar to those previously received; and

- (f) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the adverse public comments, the applicant had explained that the noise nuisance was coming from the nearby elderly centre, but not the subject RCHD. The applicant had not received any complaint from the nearby residents against the RCHD. Nevertheless, the applicant had adopted relevant measures/regulations to avoid causing noise and other nuisances to the nearby residents. The Director of Environmental Protection had no objection to the application. As for the public comments on illegal parking and the risks in traffic accidents, the applicant had explained that the staff, residents and visitors mainly used public transport. The Transport Department and the Police had no objection to or no comment on the application and the public comments. An advisory clause advising the applicant to liaise with the nearby residents to address their concerns was suggested for Members' consideration.

108. Members had no question on the application.

#### Deliberation Session

109. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

- “the provision of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

110. 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) to resolve any land issue relating to the development with the concerned owners of the site;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that unauthorized canopies have been found erected on Lots 1579 RP, 1618 and 1620 RP in D.D. 104 and extended to Government land. His office has reserved the rights to take enforcement action/land control against the unauthorized structure;
- (d) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department that he understands that a Certificate of Exemption has been issued by Social Welfare Department to the applicant requiring certain building safety requirements to be fulfilled, including the removal of unauthorized building works (UBWs). The UBWs should not be designated for any approved use under the application. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW at the site under the Buildings Ordinance;
- (e) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that the development should neither obstruct overland flow nor adversely affected any existing natural streams, village drains, ditches and the adjacent areas. The applicant should also consult DLO/YL, LandsD and seek consent from the relevant owners for any drainage works to be carried out outside the lot boundary before commencement of the drainage works;
- (f) to note the comments of Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority; and
- (g) to liaise with the residents of Sheung Chuk Yuen to address their concerns.”

**Agenda Item 24**

Section 12A Application

[Open Meeting]

Y/YL-KTS/2                      Application for Amendment to the Approved Kam Tin South Outline Zoning Plan No. S/YL-KTS/11, to Amend Remark (c) under the Notes of the “Comprehensive Development Area” Zone to Relax the Development Restrictions for Site 1 by Increasing the Maximum Total Gross Floor Area to 36,960 m<sup>2</sup> and Maximum Building Height to 69mPD, Lots 547 RP and 2160 RP in D.D. 106 and Adjoining Government Land, Tung Wui Road, Pat Heung, Yuen Long  
(RNTPC Paper No. Y/YL-KTS/2A)

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111.            The Secretary reported that the application was submitted by Super Asset Development Limited which was a subsidiary of Henderson Land Development Company Limited (HLD).    The following Members had declared interests in this item:

- |                     |   |  |
|---------------------|---|--|
| Ms Jance Lai        | ) |  |
|                     | ) | having current business dealings with HLD        |
|                     | ) |  |
| Mr Ivan Fu          | ) |  |
|                     | ) |  |
| Professor S.C. Wong | ) | being an employee of the University of Hong Kong |
|                     | ) | (HKU) which received a donation from a family    |
|                     | ) | member of the Chairman of HLD                    |
| Mr H.F. Leung       | ) |  |
|                     | ) |  |
| Professor K.C. Chau | - | being an employee of CUHK which received a       |
|                     |   | donation from a family member of the Chairman of |
|                     |   | HLD  |
| Dr W.K. Yau         | - | being a Director of an NGO which received a      |
|                     |   | donation from HLD                                |

112.            Members noted that Mr Leung had tendered apologies for being unable to attend

the meeting and Ms Lai had already left the meeting. The applicant had requested for deferment of consideration of the application and as Professor Wong, Professor Chau and Dr. Yau had no involvement in the application, they could stay in the meeting. Members also noted that the interest of Mr Fu was direct and agreed that he could stay in the meeting but should refrain from participating in the discussion.

113. The Committee noted that this was the second deferment request sought by the applicant. On 27.5.2014, the applicant requested for deferment of the consideration of the application for two months so as to allow time for the applicant to address the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department.

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

## **Agenda Item 25**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/640 Proposed Private Utility Installation (Electricity Transformer Room) and Excavation of Land in "Village Type Development" Zone, Lots 1039 S.F ss.1 (Part), 1039 S.G ss.1 (Part) and 1039 S.I ss.1 (Part) in D.D. 113, Ho Pui Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/640)

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Presentation and Question Sessions

115. Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the proposed private utility installation (electricity transformer room) and excavation of land;
- (c) departmental comments – the Chief Architect/Central Management Division 2, Architectural Services Department (CA/CMD2, ArchSD) commented that the proposed pitch roof seemed visually incompatible with the adjacent residential buildings which are of modern and simple style. Moreover, the colour of the building might make it stand out too much. It was also suggested that the down pipes be concealed. The proposed development was very close to some small houses, e.g. houses at Lots 1037S.J, 1937 S.I, 1039 S.D and 1039 S.J. The applicant should review the possible environmental impact of the proposed transformer room, such as that from the exhaust, on such small houses;
- (d) during the first three weeks of the statutory publication period, the public comments from a village representative and a villager of Ho Pui Tsuen were received. Both of them supported the application as there was an imminent need for additional electricity supply to satisfy the increasing population living in the village area. The proposed electricity transformer room was located in the village's fringe area which was a suitable location in terms of safety. The proposed development would also provide stable electricity supply and would not affect the existing electricity supply; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the concerns of CA/CMD2, ArchSD, it should be noted that the proposed development

was small in scale and significant visual and environmental impacts on the surroundings were not envisaged.

116. Members had no question on the application.

Deliberation Session

117. After deliberation, the Committee decided to approve the application, on the terms of the application as submitted to the Town Planning Board (TPB). The permission should be valid until 13.6.2018, 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 proposal to screen the proposed development from the surroundings to the satisfaction of the Director of Planning or of the TPB;
- (b) the design and provision of fire service installations to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “(a) to note the District Lands Officer/Yuen Long, Lands Department’s (LandsD) comments that the private lots within the application site are Old Schedule Agricultural Lot held under Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. The site is accessible to Kam Ho Road via a long trip of informal village track on Government land and other private land. LandsD does not provide maintenance works on this track nor guarantees right-of-way. The owners concerned will need to apply to LandsD to permit structures to be erected or regularize any irregularities on-site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such

terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;

- (b) to note the Chief Highway Engineer/New Territories West, Highways Department's (HyD) comments that the proposed vehicular access will not be maintained by the HyD;
- (c) to note the Chief Architect/Central Management Division 2, Architectural Services Department's comments that the proposed pitch roof seems visually incompatible with the adjacent residential buildings which are of modern and simple style. The colour of the building may make it stand out too much. Besides, it is suggested to conceal the down pipes. Moreover, the proposed development is very close to some small houses. The applicant should review the possible environmental impact of the proposed transformer room, such as the exhaust, on such small houses;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that the site shall be provided with means of obtaining access thereto from a street under the Building (Planning) Regulations (B(P)R) 5 and emergency vehicular access shall be provided under the B(P)R 41D. If the subject site does not abut on a specified street having a width of not less than 4.5m wide, in such respect, the development intensity shall be determined under the B(P)R 19(3) at building plan submission stage. Formal submission under the Buildings Ordinance is required for any proposed new works. Detailed checking will be carried out in building plan submission stage;
- (e) to note the Director of Electrical and Mechanical Services' comments that China Light and Power Company (CLP) should be consulted regarding the acceptability of the proposed transformer room from the electricity safety point of view. The applicant shall approach CLP for the requisition of cable plans (and overhead line alignments drawings, where applicable) to find out whether there is any underground (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 CLP is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with CLP and, if necessary, ask CLP to divert the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines;

- (f) to note the Chief Engineer/Development (2), Water Supplies Department’s comments that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department’s comments that the development should neither obstruct the overland flow nor adversely affect any existing watercourse, village drains or ditches etc.;
- (h) to note the Director of Health’s comments that according to the World Health Organization (WHO), with compliance with the relevant International Commission on Non-Ionising Radiation Protection (ICNIRP) guidelines, exposure to extremely low frequency electromagnetic fields such as those generated by electrical facilities would not pose any significant adverse effects to workers and the public. The applicant must ensure that the installation complies with the relevant ICNIRP guidelines or other established international standards. WHO also encourages effective and open communication with stakeholders in the planning of new electrical facilities; and
- (i) to note the Director of Fire Services’ comments that in consideration of the design/nature of the proposal, Fire Service Installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit

relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as required, the applicant is required to provide justifications to his department for consideration. Detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans.”

## **Agenda Item 26**

### **Section 16 Application**

[Open Meeting]

A/YL-PH/679 Proposed Houses in “Residential (Group D)” zone, Lots 64 S.A, 73 S.B ss.4 and 76 S.B RP in D.D. 108, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/679)

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119. The Secretary reported that the application was submitted by Plus Investment Limited with Lanbase Surveyors Limited as a consultant. Ms Anita K.F. Lam had declared an interest as she had current business dealings with Lanbase Surveyors Limited. As Ms Lam had no involvement in the application, Members agreed that she could stay in the meeting.

120. The Committee noted that this was the third deferment request sought by the applicant. On 26.5.2014, the applicant requested for deferment of the consideration of the application for two months to allow time for preparation of further information to address the comments of the Transport Department regarding the design of the vehicular access to the site.

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

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

### **Agenda Item 27**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PH/688            Temporary Open Storage of Vehicles Prior to Sale for a Period of 3  
Years in "Village Type Development" Zone, Lots 2096 S.B ss.4 S.A,  
2097 S.B ss.2, 2097 S.B ss.3 in D.D. 111 and Adjoining Government  
Land, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/688)

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

122.        Mr C.K. Tsang, STP/FSYLE, presented the application and covered the following aspects as detailed in the Paper :

- (a) background to the application;
- (b) the temporary open storage of vehicles prior to sale for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers, i.e. residential structures located to the west (about 20m away) and in the vicinity of the site, and environmental nuisance was expected. The proposed noise mitigation measure (i.e. the boundary wall to the west of the

site) would not be effective to mitigate the noise nuisance, given the close proximity of the site to the residential dwellings/structures.

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 11 of the Paper. According to Town Planning Board Guidelines No. 13E (TPB PG-No. 13E), the site fell within Category 4 areas where applications would normally be rejected except under exceptional circumstances. The site fell within the “Village Type Development” (“V”) zone. The development was not compatible with the surrounding land uses which were predominated by existing and approved residential dwellings/structures. Although there were open storage/storage yards, warehouses and parking lots in the vicinity, they were either suspected unauthorised developments or “existing use” tolerated under the Town Planning Ordinance. Besides, a sizeable proportion (393.4m<sup>2</sup> or 76.6%) of the site fell on Government land which could be released for Small House development. The development was not in line with the TPB PG-No. 13E in that there was no exceptional circumstance that warrant sympathetic consideration. Two similar applications were rejected by the Committee or the Board on review in 2009 and 2010. There was no strong justification for a departure from the Board's previous decisions. Although the applicant claimed that there were 40 similar applications approved for open storage use within “V” zones in D.D.111, according to PlanD's record, out of the 40 similar applications, 9 applications (No. A/YL-PH/443, 535, 547, 589, 608, 646, 660, 666, 680) fell within “Agriculture”, “Residential (Group D)” or “Open Storage” zones and 5 applications (No. A/YL-PH/35, 78, 149, 450 and 473) were for car park use not related to open storage/storage use. For the 26 applications for open storage/storage uses which fell within the same or nearby “V” zones, they were approved from 1997 to 2007 before the promulgation of TPB PG-No. 13E in 2008 and most of them were

previously approved and the departmental or public comments could be addressed through approval conditions. Approval of the subject application would set an undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such application would result in general degradation of the environment of the area.

123. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Village Type Development” (“V”) zone which is intended for development of Small Houses by indigenous villagers. The development is not compatible with the surrounding land uses which are predominated by residential dwellings/structures. No strong planning justification has been given in the submission to justify a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there is no exceptional circumstance that warrants sympathetic consideration, and that there is adverse departmental comment against the development;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental, landscape and drainage impacts on the surrounding areas; and
- (d) the approval of the application, even on a temporary basis, would set an



undesirable precedent for other similar uses to proliferate into the “V” zone. The cumulative effect of approving such applications would result in a general degradation of the environment of the area.”

[The Chairman thanked Mr Otto K.C. Chan and Mr C.K. Tsang, STPs/FSYLE, for their attendance to answer Members’ enquires. Mr Chan and Mr Tsang left the meeting at this point.]

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

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

#### **Agenda Item 28**

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

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/670      Temporary Open Storage of Construction Machinery and Materials, Recycling Materials and Used Electrical Appliances with Ancillary Office and Warehouses for a Period of 3 Years in “Residential (Group D)” Zone, Lots 702 RP (Part), 705 RP (Part), 706 RP (Part), 707-713, 714 (Part), 715 (Part), 716-718, 719 (Part), 720 (Part), 752 (Part), 753 (Part), 754 RP (Part) and 757 RP in D.D. 121 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/670A)

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

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

- (a)      background to the application;

- (b) the temporary open storage of construction machinery and materials, recycling materials and used electrical appliances with ancillary office and warehouses for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) reported that there was no environmental complaint concerning the site received in the past 3 years. However, she did not support the application as there were sensitive receivers (i.e., residential uses) to the southeast, northeast, northwest and in the vicinity, with the nearest one located about 15m to the southeast of the site, and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, two adverse public comments submitted by local villagers were received. One of them pointed out that the site involved Tso/Tong land and the applicant had failed to inform and obtain consent from the landowners for the use under application. The other commenter raised concerns on air pollution, nuisances and fire safety concerns generated by the development; and
- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The application site fell within Category 3 areas where applications would normally not be favourably considered unless the applications were on sites with previous planning approvals. The development was not in line with the planning intention of the "Residential (Group D)" ("R(D)") zone. The development was also incompatible with the surrounding land uses which were predominantly rural in character mixed with cultivated agricultural land, residential structure and plant nurseries. Although there were some open storage yards found in the vicinity of the site, they were mostly suspected unauthorised developments. The application did not comply with Town Planning Board Guidelines No. 13E (TPB PG-No. 13E) in that there were adverse comments from DEP and local objections against the application. Since 2000, five previous applications (No. A/YL-TYST/119, 145, 158, 182 and 262) for various temporary open storage and recycling

facility uses at the site were all rejected either by the Committee or by the Board on review. It was considered that the subject application did not warrant sympathetic consideration and there was no major change in planning circumstances that warranted a departure from the Committee's previous decisions. Since 2001, no similar application for storage use had been approved within the same "R(D)" zone. Approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications to proliferate into the "R(D)" zone, causing degradation to the surrounding environment.

126. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Residential (Group D)” (“R(D)”) zone which is for improvement and upgrading of existing temporary structures within the rural areas through redevelopment of existing temporary structures into permanent buildings. It is also intended for low-rise, low-density residential developments subject to planning permission from the Board. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the application does not comply with the Town Planning Board (TPB) Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No.13E) in that there are adverse departmental comments and local objections against the application;
- (c) the applicant fails to demonstrate that the development would not generate adverse environmental impact on the surrounding areas; and

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

## **Agenda Item 29**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/681      Temporary Open Storage of Construction Materials, Equipments and Machinery and Container Site Offices with Ancillary Repair Activities for a Period of 3 Years in “Undetermined” Zone, Lots 348 R.P (Part), 353 S.A RP, 353 S.B, 354 RP (Part), 355 (Part), 356, 357 (Part), 358, 359, 361 RP and 362 RP in D.D. 119 and Adjoining Government Land, Tong Yan San Tsuen, Yuen Long  

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(RNTPC Paper No. A/YL-TYST/681)

### **Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage of construction materials, equipments and machinery and container site offices with ancillary repair activities for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) reported that there was no environmental complaint concerning the site received in the past 3 years. However, she did not support the application as there were sensitive receivers, i.e. residential dwelling/structure located

to the northwest about 90m away, and environmental nuisance was expected;

- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. To address DEP's concerns, relevant approval conditions were recommended for Members' consideration. Shorter compliance periods were also recommended in order to closely monitor the progress on compliance with the approval conditions.

129. Members had no question on the application.

#### Deliberation Session

130. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no heavy goods vehicles exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (d) no dismantling or other workshop activities, except ancillary repairing or

maintenance activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;

- (e) the stacking height of containers stored on the site shall not exceed 3 units, as proposed by the applicant, at any time during the planning approval period;
- (f) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (g) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (h) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2014;
- (i) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2014;
- (k) the provision of fire extinguisher(s) with a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2014;
- (l) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (m) in relation to (l) above, the implementation of fire service installations

proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2014;

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

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned owner(s) of the site;
- (c) shorter compliance periods are imposed in order 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 planning permission, sympathetic consideration may not be given to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the District Lands Officer/Yuen Long, Lands Department’s

(LandsD) comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No permission has been given for the occupation of the Government land (GL) within the site. Should the application be approved, the owner(s) concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Furthermore, the applicant has to either exclude the GL portion from the site or apply for a formal approval prior to the actual occupation of the Government land portion. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including, among others, the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantees right-of-way;

- (f) to note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. His department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (h) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department to minimize any potential



environmental nuisances;

- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that the numbers, locations and species of the existing trees as shown on the submitted Landscape Proposal (Drawing A-3 of the Paper) do not tally with the actual site situation observed during the foresaid site visit. Moreover, there is room for further landscape planting along the perimeter of the site. All the existing and proposed trees should be clearly marked and differentiated on plan by using two different symbols in order to avoid confusion. Vines covering the tree crowns of 3 trees (*Ficus virens var. sub lanceolata*) at the northern perimeter of the site should be removed;
  
- (j) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposal, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location where the proposed FSIs are to be installed should be clearly marked on the layout plans. The good practice guidelines for open storage attached in Appendix V of the Paper should be adhered to. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (k) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line) within or in the vicinity of the site. Based on the cable plans and the

relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplies is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and if necessary, ask the electricity supplier to diver the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TYST/682      Temporary Open Storage of Construction Machinery and Construction Material with Ancillary Site Office for a Period of 3 Years in “Undetermined” Zone, Lots 2685 (Part), 2686 (Part), 2687 (Part), 2688 (Part), 2689, 2690 (Part), 2700 (Part), 2701 (Part), 2702, 2703 (Part), 2704 S.A & S.B (Part) and 2705 (Part) in D.D. 120, Shan Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TYST/682)

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

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

- (a)      background to the application;

- (b) the temporary open storage of construction machinery and construction material with ancillary site office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) reported that there was no environmental complaint concerning the site received in the past 3 years. However, she did not support the application as there were sensitive receivers, i.e. residential structures located to the southwest (about 85m away), and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the site had high potential for agricultural rehabilitation;
- (d) during the first three weeks of the statutory publication period, two public comments from a Yuen Long District Council Member and villagers of Lam Hau Tsuen were received. They objected to the application on the grounds that in view of the previous revocations, the applicant was not sincere in complying with the approval conditions, and there were traffic impacts and pedestrian safety concerns arising from the development; and
- (e) PlanD's views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Regarding DAFC's concern, it should be noted that the planning intention of the "Undetermined" zone was generally intended for open storage use. To address DEP's concerns, relevant approval conditions were recommended for Members' consideration. As regards the adverse public comments, the current applicant had demonstrated efforts by submitting relevant technical proposals. Shorter compliance periods were recommended to closely monitor the progress on compliance with the conditions. As regards the concerns on traffic and pedestrian safety aspects, the Transport Department and the Police had no adverse comment on the application.

133. Members had no question on the application.

Deliberation Session

134. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation between 11:00 p.m. and 8:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no dismantling, repairing, cleansing or other workshop activities, as proposed by the applicant, shall be carried out on the site at any time during the planning approval period;
- (d) no heavy goods vehicle exceeding 24 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicant, is allowed to park/store on or enter/exit the site at any time during the planning approval period;
- (e) no queuing and reverse movement of vehicle are allowed on public road at any time during the planning approval period;
- (f) the existing drainage facilities on the site shall be maintained at all times during the planning approval period;
- (g) the submission of a record of existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2014;
- (h) the submission of tree preservation and landscape proposals within 3 months from the date of planning approval to the satisfaction of the

Director of Planning or of the TPB by 13.9.2014;

- (i) in relation to (h) above, the implementation of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2014;
- (j) the provision of fire extinguisher(s) with valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.7.2014;
- (k) the implementation of accepted fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (l) if any of the above planning conditions (a), (b), (c), (d), (e) or (f) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (n) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “(a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issue relating to the development with other concerned

owner(s) of the site;

- (c) shorter compliance periods are imposed in order 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 planning permission, sympathetic consideration may not be given to any further application;
- (d) the site should be kept in a clean and tidy condition at all times;
- (e) to note the District Lands Officer/Yuen Long, Lands Department's (LandsD) comments that the private lots within the site are Old Schedule Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his office. No approval is given for the specified structures for ancillary site office, guard room, storage and toilet use. Should the application be approved, the owners concerned will still need to apply to his office to permit structures to be erected or regularize any irregularities on site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including, among others, the payment of premium or fee, as may be imposed by LandsD. Besides, the site is accessible through an informal village track on Government land and other private land extended from Shan Ha Road. His office does not provide maintenance works for such track nor guarantees right-of-way;
- (f) to note the Commissioner of Transport's comments that sufficient space should be provided within the site for manoeuvring of vehicles. The land status of the access road/path/track leading to the site from Shan Ha Road should be checked with the lands authority. The management and maintenance responsibilities of the same access road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;

- (g) to note the Chief Highway Engineer/New Territories West, Highways Department's comments that adequate drainage measures should be provided at the site access to prevent surface water flowing from the site to nearby public roads/drains. His department shall not be responsible for the maintenance of any access connecting the site and Shan Ha Road;
- (h) to adopt the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by Environmental Protection Department to minimize any potential environmental nuisances;
- (i) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's (PlanD) comments that during her site visit of 19.10.2012, 3 numbers of existing trees (*Ficus microcarpa*) along the southern boundary of the site were found inclined that shall be replanted and kept upright;
- (j) to note the Chief Engineer/Development (2), Water Supplies Department's (WSD) comments that for provision of water supply to the development, the applicant may need to extend his/her inside services to the nearest suitable Government water mains for connection. The applicant shall resolve any land matter (such as private lots) associated with the provision of water supply and shall be responsible for the construction, operation and maintenance of the inside services within the private lots to WSD's standards. Besides, the water mains in the vicinity of the site cannot provide standard pedestal hydrant;
- (k) to note the Director of Fire Services' comments the installation / maintenance / modification / repair work of fire service installations shall be undertaken by a Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation / maintenance / modification / repair work issue to the person on whose instruction the work was undertaken a certificate (FS 251). Moreover, having considered the nature of the open storage, the attached good practices guidelines for open storage (Appendix V of the Paper) should be adhered. Should the

applicant wish to apply for exemption from the provision of FSIs as prescribed, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;

- (l) to note the Chief Building Surveyor/New Territories West, Buildings Department's (BD) comments that there is no record of approval by the Building Authority (BA) for the structures existing at the site. If the existing structures are erected on leased land without approval of BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any use under the application. Before any new building works (including containers and open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BA should be obtained, otherwise they are unauthorised building works (UBW). An Authorized Person should be appointed as the co-ordinator for the proposed building works in accordance with BO. For UBW erected on leased land, enforcement action may be taken by BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing works or UBW on the site under BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of B(P)R at the building plan submission stage; and
  
- (m) to note the Director of Electrical and Mechanical Services' comments that the applicant shall approach the electricity supplier for the requisition of cable plans (and overhead line alignment drawings, where applicable) to find out whether there is any underground cable (and/or overhead line)



within or in the vicinity of the site. Based on the cable plans and the relevant drawings obtained, if there is underground cable (and/or overhead line) within or in the vicinity of the site, the applicant shall carry out the following measures. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the PlanD, prior consultation and arrangement with the electricity supplies is necessary. Prior to establishing any structure within the site, the applicant and/or his contractors shall liaise with the electricity supplier and if necessary, ask the electricity supplier to diver the underground cable (and/or overhead line) away from the vicinity of the proposed structure. The “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of the electricity supply lines.”

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/900            Proposed Temporary Open Storage of Construction Machinery and Construction Material and Ancillary Site Office for a Period of 3 Years in “Recreation” Zone, Lots 1103 RP (Part), 1104 RP (Part), 1105 (Part), 1106 (Part), 1107 (Part), 1132 (Part), 1138 (Part), 1139 S.A RP (Part), 1139 RP (Part), 1140 (Part), 1141 RP (Part) and 1146 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/900)

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

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction machinery and construction material and ancillary site office for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) reported that there was no environmental complaint concerning the site received in the past 3 years. However, she did not support the application as there were sensitive receivers in the vicinity of the site (the closest residential dwelling was about 22m away) and along the access road (Ha Tsuen Road) and environmental nuisance was expected;
- (d) no public comment was received during the first three weeks of the statutory publication period and no local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD considered that the temporary open storage could be tolerated for a period of three years based on the assessments made in paragraph 12 of the Paper. Although DEP did not support the application, there was no environmental complaint against the site over the past 3 years. To mitigate any potential environmental impacts, relevant approval conditions were suggested for Members' consideration.

137. Members had no question on the application.

#### Deliberation Session

138. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 13.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no night-time operation from 8:00 p.m. to 8:00 a.m. on Mondays to Saturdays, as proposed by the applicant, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) the stacking height of materials stored within 5m of the periphery of the site shall not exceed the height of the boundary fence, as proposed by the applicant, at all times during the planning approval period;
- (d) no repairing, dismantling, assembling and workshop activities, as proposed by the applicant, is allowed on the site at any time during the planning approval period;
- (e) no vehicle exceeding 24 tonnes as defined in the Road Traffic Ordinance, including heavy goods vehicle, container trailer and tractor, as proposed by the applicant, is allowed to enter, park or operate at the site at any time during the planning approval period;
- (f) no vehicle queuing back to public road and vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (g) the implementation of the proposed 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 13.12.2014;
- (h) in relation to (g) above, the implemented drainage facilities on the site shall be maintained at all times during the planning approval period;
- (i) the submission of a landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of Director of Planning or of the TPB by 13.12.2014;
- (j) in relation to (i) above, the implementation of the landscape and tree preservation proposal within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.3.2015;

- (k) the provision of fire extinguisher(s) and the submission of a valid fire certificate (FS 251) within 6 weeks from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 25.7.2014;
- (l) the submission of a fire service installations proposal within 6 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.12.2014;
- (m) in relation to (l) above, the implementation of the fire service installations proposal within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 13.3.2015;
- (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 13.12.2014;
- (o) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (h) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (p) if any of the above planning conditions (g), (i), (j), (k), (l), (m) or (n) is not complied with by the above specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (q) upon expiry of the planning permission, the reinstatement of the site to an amenity area, as proposed by the applicant, to the satisfaction of the Director of Planning or of the TPB.”

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

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

development on site;

- (a) to resolve any land issues relating to the development with the concerned owner(s) of the application site;
- (b) the site should be kept in a clean and tidy condition at all time;
- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (DLO/YL, LandsD) that the land under site comprises Old Schedule Agricultural Lots held under Block Government Lease which contains the restriction that no structures are allowed to be erected without prior approval from the Government. The site is accessible to Ha Tsuen Road via private lot and Government land (GL). His office provides no maintenance works to the GL involved and does not guarantee right-of-way. Should the application be approved, the lot owner(s) concerned would still need to apply to his Office to permit any structures to be erected or regularize any irregularities on site. Such application would be considered by the LandsD acting in the capacity as landlord at its sole discretion and no guarantee that such application will be approved. If such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium/fees, as may be imposed by LandsD;
- (d) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that that the development should neither obstruct overland flow nor adversely affect existing stream course, natural streams, village drains, ditches and adjacent areas. The applicant should consult DLO/YL and seek consent from the relevant owners for any works to be carried out outside his lot boundary before commencement of the drainage works;
- (e) to follow the latest 'Code of Practice on Handling Environmental Aspects of Open Storage and Temporary Uses' issued by the Director of Environmental Protection to minimize any potential environmental

nuisance;

- (f) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the site;
- (g) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that the proposed access arrangement of the site from Ha Tsuen Road should be commented and approved by the Transport Department. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the Ping Ha Road;
- (h) to note comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs are to be installed should be clearly marked on the layout plans. Attached good practice guidelines for open storage should be adhered to (Appendix V of the Paper). The applicant is advised to submit a valid fire certificate (FS251) to his department for approval. Furthermore, should the applicant wish to apply for exemption from the provision of FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. However, the applicant is reminded that if the proposed structure(s) is required to comply with the Building Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (i) to note the comments of the Chief Town Planning Officer/Urban Design and Landscape, Planning Department that according to the submitted information, all existing trees within the site would be preserved and new trees would be proposed along the site boundary. For the boundary adjacent to the "Village Type Development" zones, double rows of tree

planting would be provided. However, the locations and quantity of existing trees are different to her site visit and no tree preservation proposal is submitted. It was observed that 3 damaged trees were in poor condition. Replacement of these trees is required. Based on the above, updated tree preservation and landscape proposals should be submitted;

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

**Agenda Item 32**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/262      Temporary Open Storage and Warehouse for Storage of Recycled Material for a Period of 3 Years in “Green Belt” Zone, Lot 288 (Part) and Adjoining Government Land in D.D. 129, Lau Fau Shan, Yuen Long  
(RNTPC Paper No. A/YL-LFS/262)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the temporary open storage and warehouse for storage of recycled material for a period of 3 years;
- (c) departmental comments – the Director of Environmental Protection (DEP) reported that there was no environmental complaint concerning the site received in the past 3 years. However, she did not support the application as there were sensitive receivers in the access road (Deep Bay Road), and environmental nuisance was expected. The Director of Agriculture, Fisheries and Conservation (DAFC) had reservation on the application as the use under application was not compatible with the planning intention of the “Green Belt” (“GB”) zoning. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application. According to the aerial photos in 2006 and 2008, vegetation clearance and extensive site formation work was found within the site and the adjacent woodland, resulting in adverse landscape impact on the site and surrounding environment. The site was paved with some temporary structures and no vegetation was found within the site. The proposed



temporary warehouse and open storage of recyclable goods was considered not compatible with the planning intention of the “GB” zone and would set an undesirable precedent to attract other similar applications for open storage development to further encroach onto the “GB” zone. Moreover, no landscape mitigation measures were proposed to mitigate the adverse landscape impacts caused by the proposed development. The Commissioner for Transport (C for T) had reservation on the application as the applicant failed to demonstrate how materials were transported to the site for storage without any parking or loading/unloading facilities;

- (d) during the first three weeks of the statutory publication period, five public comments were received from Kadoorie Farm & Botanic Garden Corporation, WWF-Hong Kong, Designing Hong Kong Limited, a Village Representative and a local resident respectively. All of them objected to the application mainly on the grounds that the site was incompatible with the planning intention of “GB” zone and the character of the area; the site was within the Wetland Buffer Area; the proposed development would cause potential ecological impacts to the ecology of the freshwater ponds and mudflats in Deep Bay area; eco-vandalism was suspected at the site after the gazettal of the OZP; no impact assessment had been conducted for the environment, traffic, drainage and sewerage; approval of the application would render it difficult to develop the land for more suitable uses, promote the message of “destroy first, build later” to the public, and set an undesirable precedent for similar applications within the “GB” zone;
- (e) the District Officer (Yuen Long) (DO(YL)) had received a comment from a village representative of Mong Tseng Wai. He objected to the application on the ground that the proposed development would generate adverse environmental, traffic and safety impacts on the surrounding areas; and
- (f) PlanD’s views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. Under Town Planning Board Guidelines No. 13E (TPB PG-No. 13E), the site fell within Category 4 areas, where applications would normally be rejected except under

exceptional circumstances. The application did not meet TPB PG-No. 13E since there was no exceptional circumstance to justify the development; no previous approval for open storage use had been granted for the site; and there was insufficient information in the submission to address the adverse comments from concerned departments and demonstrate that the use under application would not generate environmental nuisance and adverse landscape and traffic impacts on the surrounding areas. The development did not meet the TPB PG-No.10 as the use under application was not in line with the planning intention of the “GB” zone. It would also generate adverse landscape impact on the site and the surrounding environment. The development was also not in line with TPB PG-No.12B. Although the development did not result in any loss in wetland, it did not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area.

141. Members had no question on the application.

#### Deliberation Session

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

- “(a) the development is not in line with the planning intention of the “Green Belt” (“GB”) zone, which is 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 is no strong planning justification in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not in line with the Town Planning Board (TPB) Guidelines No. 10 for Application for Development within the Green Belt zone in that the development involved clearance of vegetation, and affected the existing natural landscape in the area;

- (c) the development is not in line with the TPB Guidelines No.12B for Application for Developments within Deep Bay Area in that the development does not complement the ecological functions of the wetlands and fishponds around the Deep Bay Area;
- (d) the development is not in line with the TPB Guidelines No. 13E for Application for Open Storage and Port Back-up Uses in that the site falls within Category 4 areas and there is no exceptional circumstance to justify the development; no previous approval for open storage use has been granted for the site; and there are adverse departmental comments on the traffic, environmental and landscape aspects; and
- (e) approval of the application would set an undesirable precedent for similar open storage and warehouse in the “GB” zone, the cumulative effect of which would result in a general degradation of the environment of the area.”

### **Agenda Item 33**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-LFS/263      Proposed House (New Territories Exempted House - Small House) in “Green Belt” and “Residential (Group C)” and “Village Type Development” Zones, Lot 2853 in D.D. 129, Lau Fau Shan, Yuen Long (RNTPC Paper No. A/YL-LFS/263)

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

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

- (a) background to the application;

- (b) the proposed house (New Territories Exempted House - Small House);
  
- (c) departmental comments – the District Lands Officer/Yuen Long (DLO/YL) advised that the site did not fall within the village ‘environ’ (‘VE’) of a recognised village or the “Village Type Development” (“V”) zone. He would not consider the Small House application. The Chief Town Planner/Urban Design and Landscape (CTP/UD&L) objected to the application as the site was located on a piece of vegetated land with trees along the perimeter of “Green Belt” (“GB”) zone and formed part of a continuous green buffer along the perimeter of the existing “GB” zone. The proposed Small House was considered not compatible with the planned use of the “GB” zone. Comparing with the aerial photos dated 9.9.2011 and 30.6.2013, vegetation clearance was found in the western portion of the site, where the proposed house would be located. The approval of the proposed Small House would set an undesirable precedent for similar Small House applications resulting in further encroachment onto the “GB” zone and would cause a cumulative degradation of the existing green buffer. The Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) did not support the application as the site was the subject of a complaint regarding land filling and flooding of a public toilet (aqua privy) conversion site in Sha Kong Wai. The site had already disturbed and affected the drainage path in the vicinity. There was no drainage proposal in the application;
  
- (d) during the first three weeks of the statutory publication period, two public comments were received. They were submitted by Designing Hong Kong Limited and Kadoorie Farm & Botanic Garden Corporation. They objected to the application mainly on the grounds that the application was incompatible with the planning intention of the “GB” zone and the character of the area; the approval of the application would further degrade the environment; the application did not comply with TPB PG-No. 10; no impact assessment had been completed for the environment, traffic, drainage and sewerage; and there would be potential cumulative impacts

caused by approving the application; and

- (e) PlanD's views – PlanD did not support the application based on the assessments set out in paragraph 12 of the Paper. The proposed Small House was not compatible with the planning intention of the “GB” zone and was not in line with TPB PG-No. 10. The proposed development did not comply with the Interim Criteria as the footprint of the proposed NTEH fell entirely outside the “V” zone and the ‘VE’ of a recognised village. Although there was a shortage of land in meeting the demand of Small House development in the subject “V” zone based on the 10-year forecast for Small House demands, the area of land available within the “V” zone was still quite sizeable and would be able to meet the outstanding demand in the coming years. It was considered that a more prudent approach should be adopted in approving Small House applications outside the “V” zone so that Small House development would be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services. The Board/Committee had rejected a previous application at the site and 10 similar applications (Nos. A/YL-LFS/11, 65, 174 to 180 and 191) within the same “GB” zone. Rejection of the current application was in line with the Board's/Committee's previous decisions.

144. Members had no question on the application.

#### Deliberation Session

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

- “(a) the proposed development is not in line with the planning intention of the “Green Belt” (“GB”) zone. There is a general presumption against development within this zone. There is no strong justification in the submission for a departure from the planning intention;

- (b) the proposed development does not comply with the Interim Criteria for consideration of application for New Territories Exempted House (NTEH)/Small House in New Territories as the footprint of the proposed NTEH is entirely outside the “Village Type Development” (“V”) zone and the village ‘environs’ of the recognised villages;
- (c) the proposed development is not in line with the Town Planning Board Guidelines for Application for Development within “GB” Zone. The proposed development involved extensive clearance of existing natural vegetation and affected the existing natural landscape;
- (d) the applicant fails to demonstrate that the proposed development would not have any adverse drainage impacts;
- (e) the applicant fails to demonstrate why suitable sites within the areas zoned “V” cannot be made available for the proposed development. The Small House developments should be concentrated within the “V” zone for a more orderly development pattern, efficient use of land and provision of infrastructure and services; and
- (f) approval of the application would set an undesirable precedent for similar applications, eroding the intactness of the “GB” zone.”

**Agenda Item 34**

**Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/448            Temporary Public Vehicle Park for Private Cars and Light Goods Vehicles (Not Exceeding 5.5 Tonnes) for a Period of 3 Years in “Residential (Group B) 1” Zone, Lots 131 (Part), 132 RP (Part), 135 RP (Part) and 136 (Part) in D.D. 121, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/448)

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### Presentation and Question Sessions

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

- (a) background to the application;
- (b) the temporary public vehicle park for private cars and light goods vehicles (not exceeding 5.5 tonnes) for a period of 3 years;
- (c) departmental comments – no objection from the concerned government departments was received;
- (d) during the first three weeks of the statutory publication period, one public comment from Designing Hong Kong Limited was received. It objected to the application mainly on the grounds that the proposed development was incompatible with the zoning and would worsen the shortfall of housing supply. Approval of the application was in conflict with the mandate of the Committee and subsequent renewal of permission would make the change of land use difficult; and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments made in paragraph 11 of the Paper. Regarding the adverse public comment, as there was no development proposal covering the site, the temporary permission would not jeopardise the long-term planning intention. Relevant Government departments had no objection to/adverse comment on the application.

147. Members had no question on the application.

### Deliberation Session

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

temporary basis for a period of 3 years until 13.6.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “(a) no operation between 11:00 p.m. and 7:00 a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) only private cars and light goods vehicles (not exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (c) a notice should be posted at a prominent location of the site to indicate that only private cars and light goods vehicle (not exceeding 5.5 tonnes) as defined in the Road Traffic Ordinance are allowed to enter/be parked on the site at all times during the planning approval period;
- (d) no vehicle without valid licence issued under the Road Traffic Ordinance is allowed to be parked/stored on the site at any time during the planning approval period;
- (e) no vehicle washing, vehicle repair, dismantling, paint spraying or other workshop activity is allowed on the site at any time during the planning approval period;
- (f) no vehicle is allowed to queue back to public road or reverse onto/from the public road at any time during the planning approval period;
- (g) the submission of drainage proposal within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 13.9.2014;
- (h) in relation to (g) 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 13.12.2014;



- (i) in relation to (h) above, the maintenance of the implemented drainage facilities at all times during the planning approval period to the satisfaction of the Director of Drainage Services;
- (j) the submission of fire service installations proposal within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.9.2014;
- (k) in relation to (j) above, the implementation of fire service installations proposal within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 13.12.2014;
- (l) the submission of landscape and tree preservation proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (m) in relation to (l) above, the implementation of landscape and tree preservation proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.12.2014;
- (n) the provision of peripheral fencing within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (o) the provision of paving on the site within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 13.9.2014;
- (p) if any of the above planning conditions (a), (b), (c), (d), (e), (f) or (i) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (q) if any of the above planning conditions (g), (h), (j), (k), (l), (m), (n) or (o) is

not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and

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

149. 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) prior planning permission should have been obtained before commencing the applied use at the application site;
- (c) shorter compliance periods are imposed in order to closely monitor the progress of compliance with approval conditions;
- (d) should the applicant fail to comply with any of the approval conditions again resulting in the revocation of planning permission, sympathetic consideration may not be given to any further application;
- (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 nuisance to the surrounding area;
- (f) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the private lots within the site are Old Scheduled Agricultural Lots held under Block Government Lease under which no structures are allowed to be erected without prior approval from his Office. No approval is given for the specified structures for site office, toilet and rain shelter uses. The site is accessible through an informal track on

Government land (GL) extended from Ping Kwai Road. His Office does not provide maintenance works to the GL nor guarantee any right-of-way. The lot owners concerned will need to apply to his Office to permit structures to be erected or regularize any irregularities on the site. Such application will be considered by the LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If such application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by the LandsD;

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

- (h) to note the Assistant Commissioner for Transport/New Territories, Transport Department's (TD) comments that sufficient manoeuvring spaces shall be provided within the site. The local track leading to the site is not under TD's purview. Its land status should be checked with the lands authority. The management and maintenance responsibilities of the same road/path/track should be clarified with the relevant lands and maintenance authorities accordingly;
  
- (i) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The HyD shall not be responsible for the maintenance of any access connecting the site and Ping Kwai Road;
  
- (j) to note the comments of the Director of Fire Services that in consideration of the design/nature of the structures, fire service installations (FSIs) are anticipated to be required. The applicant is advised to submit relevant layout plans incorporated with the proposed FSIs for his approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSI to be installed should be clearly marked on the layout plans. If the proposed structure(s) is required to comply with the BO, detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans and referral from relevant licensing authority. Should the applicant wish to apply for exemption from the provision of certain FSI as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration;
  
- (k) to note the comments of the Head of the Geotechnical Engineering Office, Civil Engineering and Development Department that the applicant is reminded to submit the works to the BD for approval as required under the provisions of the BO; and

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

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

### **Agenda Item 35**

#### **Any Other Business**

150. There being no other business, the meeting closed at 6:15 p.m.