

**TOWN PLANNING BOARD**

**Minutes of 515<sup>th</sup> Meeting of the  
Rural and New Town Planning Committee held at 2:30 p.m. on 25.7.2014**

**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

Mr Ivan C.S. Fu

Mr Lincoln L.H. Huang

Ms Christina M. Lee

Mr H.F. Leung

Dr Eugene K.K. Chan

Mr David Y.T. Lui

Mr Peter K.T. Yuen

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

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

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

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

Professor K.C. Chau

Ms Janice W.M. Lai

**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  
Miss Anny P.K. Tang

**Agenda Item 1**

Confirmation of the Draft Minutes of the 514<sup>th</sup> RNTPC Meeting held on 11.7.2014

[Open Meeting]

1. The draft minutes of the 514<sup>th</sup> RNTPC meeting held on 11.7.2014 were confirmed without amendments.

**Agenda Item 2**

Matters Arising

[Open Meeting]

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

[Professor Eddie C.M. Hui and Dr Eugene K.K. Chan arrived to join the meeting at this point.]

**Sai Kung and Islands District**

**Agenda Item 3**

Section 12A Application

[Open Meeting]

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

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3. The Secretary reported that Ove Arup & Partners Hong Kong Ltd. (Arup) was one of the consultants of the applicant. The following Members had declared interests in this item :

- Professor S.C. Wong (the Vice-chairman) - being a traffic consultant of Arup and the Director of the Institute of Transport Studies of the University of Hong Kong and Arup had sponsored some activities of the Institute
- Dr W.K. Yau - involving in the operation of an education centre on Cheung Chau
- Mr Ivan C.S. Fu - having current business dealings with Arup

4. Members noted that Dr W.K. Yau had not arrived at the meeting yet. Members also noted that the applicant had requested for deferment of consideration of the application and Professor S.C. Wong and Mr Ivan C.S. Fu had no involvement in this application. Members agreed that they could stay in the meeting.

5. The Secretary reported that on 11.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address various government departments' comments. This was the third request for deferment. During the deferment period, the applicant had demonstrated efforts in submitting further information to address various government departments' comments. More time was required by the applicant to prepare further information to address further departmental comments received.

6. 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 two months were allowed for preparation of the submission of the further information, and since this was the third deferment and a total of six months had been allowed, no further deferment would be granted by the Committee.

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

#### **Agenda Item 4**

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

[Open Meeting]

A/I-TOF/1                      Proposed Rain Shelter with Filling of Land (depth of filling about 2m)  
in “Conservation Area” Zone, Government Land at Sun Ki Street, Tai  
O, Lantau Island  
(RNTPC Paper No. A/I-TOF/1)

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7.            The Secretary reported that the application was submitted by the Home Affairs Department (HAD). Mr Frankie W.P. Chou, as the Chief Engineer (Works), HAD had declared an interest in this item. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Chou could stay in the meeting but should refrain from participating in the discussion.

8.            The Secretary reported that on 22.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address departmental comments. This was the first time that the applicant requested for deferment.

9.            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 5**

Section 16 Application

[Open Meeting]

A/SLC/136                      Proposed Shelter (Government Use) in “Coastal Protection Area”  
Zone, Government Land near Chi Ma Wan Road, Pui O, Lantau Island  
(RNTPC Paper No. A/SLC/136)

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10.            The Secretary reported that the application was submitted by the Home Affairs Department (HAD). Mr Frankie W.P. Chou, as the Chief Engineer (Works), HAD had declared an interest in this item. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Chou could stay in the meeting but should refrain from participating in the discussion.

11.            The Secretary reported that on 10.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address departmental comments. This was the first time that the applicant requested for deferment.

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

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

[Dr C.P. Lau and Mr Lincoln L.H. Huang arrived to join the meeting at this point.]

## **Agenda Item 6**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-CWBN/30      Proposed House and the Associated Excavation of Land (1m in depth) in “Green Belt” Zone and Area shown as ‘Road’, Lots No. 330, 331 RP, 332 S.B and 333 S.B in D.D. 225, Clear Water Bay, Sai Kung (RNTPC Paper No. A/SK-CWBN/30)

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### **Presentation and Question Sessions**

13.            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 and the associated excavation of land;

[Dr W.K. Yau, Ms Christina M. Lee and Mr H.F. Leung arrived to join the meeting at this point.]

- (c)      departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application and commented that only one car parking space, instead of two as proposed, was required for the proposed house development and the applicants were required to demonstrate the effectiveness of the access arrangement. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservations on the application from the landscape planning perspective, raising concern on setting an undesirable precedent and the cumulative effect of approving similar applications would result in a general degradation of the local environment. In addition, the visual impact had yet to be ascertained since the location of the proposed house was misplaced in the applicants’ photomontage;

- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of eight public comments were received from Designing Hong Kong Limited and members of the public objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of the “Green Belt” (“GB”) zone and the Town Planning Board Guidelines No. 10 (TPB PG-No. 10). Approval of the application would set an undesirable precedent for similar applications. No local objection/view was received by the District Officer (Sai Kung); and
  
- (e) PlanD’s views – PlanD did not support the application based on the assessments made in paragraph 11 of the Paper and were summarised below :
  - (i) the proposed house and excavation of land were not in line with the planning intention of the “GB” zone. The applicants failed to provide strong planning justifications to merit a departure from the planning intention;
  
  - (ii) though the proposed house was not incompatible with the surroundings which comprised mainly residential dwellings and “Government, Institution or Community” uses, there were no exceptional circumstances to support the application. The application was not in line with TPB PG-No. 10 in that C for T did not support the application as he had doubt on the proposed access arrangement and car parking provision, while CTP/UD&L, PlanD had reservation on the application from landscape planning and visual impact perspectives. The Chief Engineer/Mainland South, Drainage Services Department and the Head of Geotechnical Engineering Office, Civil Engineering and Development Department also commented on the feasibility of the proposed development from drainage and geotechnical perspectives respectively; and

- (iii) similar applications for house development within the “GB” zone on the OZP were all rejected by the Committee. Approval of the application would set an undesirable precedent for other similar applications and the cumulative effect of approving such similar applications would result in a general degradation of the natural environment and jeopardise the integrity and comprehensiveness of the “GB” zone.

14. In response to a Member’s question on the existing residential building and its surrounding situation, Mrs Alice K.F. Mak said that a portion of the existing residential building extended beyond the boundary of Lot 748 to the application site and the adjoining government land (GL). There were also a swimming pool and tennis court to the northwest of the site. The site and its surrounding areas had been fenced off. Mrs Mak said she had no information with regard to the illegal occupation of GL.

15. A Member asked whether the Committee should take action against the illegal occupation of GL instead of considering the subject application. Mrs Alice K.F. Mak said that the applicant could submit an application in accordance with the Town Planning Ordinance (the Ordinance). Any application submitted under section 16 of the Ordinance should be considered by the Town Planning Board (TPB) within two months of their receipt. The Chairman supplemented that taking land control action against the illegal occupation of GL was outside the ambit of the TPB and the matters had been referred to the Lands Department (LandsD) to follow up. Ms Anita K.F. Lam, Assistant Director/Regional 3, LandsD said that LandsD would take land control action against the illegal occupation of GL as appropriate.

#### Deliberation Session

16. 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”) 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. The applicants fail to provide strong justifications in the submission for a departure from the planning intention;

- (b) the proposed development does not meet the Town Planning Board Guidelines No. 10 for Application for Development within “GB” Zone in that there are no exceptional circumstances for approving the application and the applicants fail to demonstrate that the proposed development would not have adverse traffic, drainage, geotechnical, landscape and visual impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for other similar applications within the “GB” zone. The cumulative effect of approving such similar applications will result in a general degradation of the environment and jeopardise the integrity and comprehensiveness of the “GB” zone on the Outline Zoning Plan.”

### **Agenda Item 7**

#### **Section 16 Application**

[Open Meeting]

A/SK-CWBS/16      Proposed Public Utility Installation and associated Excavation of Land in “Conservation Area” and “Village Type Development” Zones, Hillside/Footpath to the south-west of Caribbean Villa in D.D. 230, Sheung Sze Wan, Sai Kung  
(RNTPC Paper No. A/SK-CWBS/16A)

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17.            The Secretary reported that on 8.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to respond to the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department on the geotechnical assessment report. This was the applicant’s

second request for deferment.

18. 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 second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

### **Agenda Item 8**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/SK-HH/61                      Proposed Utility Installation for Private Project (Electricity Transformer Substation and Switch Room) in "Recreation" Zone, Lot 1138(Part) in D.D. 217, Pak Sha Wan, Sai Kung  
(RNTPC Paper No. A/SK-HH/61)

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

19. 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 utility installation for private project (electricity transformer substation and switch room);
- (c) departmental comments – departmental comments were set out in

paragraph 8 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;

- (d) during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (Sai Kung); and
- (e) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. All concerned departments had no adverse comment or no objection to the application.

20. Members had no question on the application.

#### Deliberation Session

21. 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 25.7.2018, 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; and
- (b) the submission and implementation of fire service installations and water supplies for firefighting to the satisfaction of the Director of Fire Services or of the TPB.”

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

- “ (a) to note the comments of the District Lands Officer/Sai Kung, Lands Department that necessary information should be submitted to his office to facilitate further processing of the proposed lease extension. However,

there is no guarantee that the proposed lease extension will be approved by the Government; and such lease extension, if eventually approved, will be subject to such terms and conditions as the Government considers appropriate;

(b) to note the comments of the Chief Building Surveyor/New Territories East 2 & Rail, Buildings Department that :

- (i) all unauthorised building works/structures should be removed;
- (ii) the granting of the planning approval should not be construed as an acceptance of the unauthorised structures on the site under the Buildings Ordinance. Enforcement action may be taken to effect the removal of all unauthorised works in future;
- (iii) in accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design requirements (including building separation, building setback and greenery coverage) under PNAP APP-152 should be included, where possible;

(c) to note the comments of the Director of Electrical and Mechanical Services that :

*Electricity Safety*

- (i) as the development would involve excavation of land and erection of a room, the applicant shall approach the CLP Power Hong Kong Limited (CLP) for the requisition of cable plans to find out whether there is any underground cable within or in the vicinity of the site. Based on the cable plans and relevant drawings obtained, if there is underground cable within or in the vicinity of the site, the applicant shall carry out the following measures :

- 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 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 line;

*Town Gas Safety*

- (ii) there are underground high pressure town gas pipeline running along Hiram’s Highway in the vicinity of the site;
  - (iii) the applicant should maintain liaison/coordination with the Hong Kong and China Gas Company Limited in respect of the exact location of existing or planned gas pipes routes/gas installations in the vicinity of the proposed work area and the minimum set back distance away from the gas pipes if any excavation works are required during the design and construction stages of the development. The applicant shall also note the requirements of the Electrical and Mechanical Services Department’s “Code of Practice on Avoiding Danger from Gas Pipes”;
- (d) to note the comments of the Head of Geotechnical Engineering Office, Civil Engineering and Development Department that Feature No. 7SE-D/F76 is overlooking the site. The applicant is reminded to submit necessary statutory plans, which should include the stability assessment of the features affecting or to be affected by the proposed development, to the Buildings Department in accordance with the provision of the Buildings Ordinance;
- (e) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that in order to reduce the perceived bulk of the proposal and to enhance its visual and landscape amenity to commensurate with the site's rural fringe setting, the applicant should implement landscaping screening and, where possible, rooftop landscaping as part of the landscape proposal; and

- (f) to note the comments of the Chief Engineer/Mainland South, Drainage Services Department that adequate stormwater drainage facilities should be provided in connection with the proposed development to deal with the surface runoff of the site without causing any adverse drainage impacts or nuisances to the adjoining areas.”

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

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

#### **Agenda Items 9 to 11**

#### **Section 16 Applications**

[Open Meeting]

A/NE-KLH/475 Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lot 111 S.B ss. 1 in D.D.7, Tai Wo Village, Tai Po (RNTPC Paper No. A/NE-KLH/475)

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A/NE-KLH/476 Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lot 111 S.B ss. 4 in D.D.7, Tai Wo Village, Tai Po (RNTPC Paper No. A/NE-KLH/476)

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A/NE-KLH/477 Proposed House (New Territories Exempted House – Small House) in “Agriculture” Zone, Lot 111 S.B ss. 6 in D.D.7, Tai Wo Village, Tai Po (RNTPC Paper No. A/NE-KLH/477)

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

24. The Secretary reported that on 10.7.2014, the applicants had requested for deferment of the consideration of the applications for two months in order to allow time to address the comments of the Environmental Protection Department. This was the first time that the applicants requested for deferment.

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

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

## **Agenda Item 12**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-LT/509                      Proposed Two Houses (New Territories Exempted Houses - Small Houses) in "Agriculture" Zone, Lots 1256 S.A & 1256 RP in D.D.19, Lam Tsuen San Tsuen, Tai Po  
(RNTPC Paper No. A/NE-LT/509)

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**Presentation and Question Sessions**

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

- (a) background to the application;
- (b) the proposed two houses (New Territories Exempted Houses – Small Houses);
- (c) departmental comments – departmental comments were set out in paragraph 9 and Appendix IV of the Paper. The District Lands Officer/Tai Po, Lands Department (DLO/TP, LandsD) and Chief Engineer/Development(2), Water Supplies Department (CE/Dev(2), WSD) did not support/objected to House 2 at Lot 1256 RP as less than 50% of Lot 1256 RP fell within the village ‘environs’ (‘VE’) of Lam Tsuen San Tsuen. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application as the site had high potential for agricultural rehabilitation. The Commissioner for Transport (C for T) had reservation on the application and advised that such type of Small House development outside the “Village Type Development” (“V”) zone, if permitted, would set an undesirable precedent case for similar applications in future and the resulting cumulative adverse traffic impact would be substantial. However, as the application only involved construction of two Small Houses, C for T considered the application could be tolerated unless they were rejected on other grounds;

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

- (d) during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong, World Wide Fund-Hong Kong and the Hong Kong Bird Watching Society objecting to the application mainly on the grounds that the proposed development was not in line with the planning intention of “Agriculture” (“AGR”) zone; the proposed development had adverse sewerage impact; and agricultural land

in Hong Kong should be preserved. No local objection/view was received by the District Officer (Tai Po); and

- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below:
  - (i) the proposed development was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as the site had high potential for agricultural rehabilitation;
  - (ii) more than 50% of the footprint of House 2 fell outside the “V” zone and ‘VE’ of Lam Tsuen San Tsuen and DLO/TP, LandsD and CE/Dev(2), WSD did not support the application in respect of House 2. There were also public comments objecting to the application; and
  - (iii) both houses did not meet the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in New Territories in that there was no general shortage of land for Small House development within the concerned “V” zone. There was land available within the “V” zone of Lam Tsuen San Tsuen for Small House development and the applicants failed to demonstrate why suitable site within areas zoned “V” could not be made available for the proposed development.

27. Members had no question on the application.

#### Deliberation Session

28. 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, which is primarily to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. The “AGR” zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification in the current submission for a departure from the planning intention;
- (b) the proposed development does not comply with the Interim Criteria for Consideration of Application for New Territories Exempted House/Small House in the New Territories (Interim Criteria) in that there is no general shortage of land in meeting the demand for Small House development in the “Village Type Development” (“V”) zone of Lam Tsuen San Tsuen;
- (c) there is land available within the “V” zone of Lam Tsuen San Tsuen for Small House development. The applicants fail to demonstrate in the submission why suitable site within areas zoned “V” could not be made available for the proposed development; and
- (d) the proposed Small House at Lot 1256 RP under application does not comply with the Interim Criteria in that more than 50% of the footprint of the proposed Small House falls outside the “V” zone and the village ‘environs’ of Lam Tsuen San Tsuen.”

**Agenda Item 13**

**Section 16 Application**

[Open Meeting]

A/NE-LT/510

Temporary Eating Place (Outside Seating Accommodation of a Restaurant) for a Period of 3 Years in “Village Type Development” Zone, Government Land in D.D.19, Fong Ma Po, Lam Tsuen, Tai Po (RNTPC Paper No. A/NE-LT/510)

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29. The Secretary reported that on 14.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to respond to the departmental comments. This was the first time that the applicant requested for deferment.

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

#### **Agenda Item 14**

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

[Open Meeting]

A/NE-SSH/90                      Proposed Temporary Animal Boarding Establishment (Dog Kennels Facility ) for a Period of 3 Years in “Conservation Area” Zone, Lot 465 in D.D. 207, Shap Sz Heung, New Territories  
(RNTPC Paper No. A/NE-SSH/90)

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31. The Secretary reported that on 14.7.2014, the applicant had requested for deferment of the consideration of the application for one month in order to allow time to prepare further information to respond to the departmental comments. This was the first time that the applicant requested for deferment.

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 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 15**

#### **Section 16 Application**

[Open Meeting]

A/ST/847                      Proposed Wholesale Conversion for Office, Shop and Services and Eating Place in "Industrial (1)" Zone, 10-12 Yuen Shun Circuit, Siu Lek Yuen, Sha Tin  
(RNTPC Paper No. A/ST/847)

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33.            The Secretary reported that on 8.7.2014, the applicant had requested for deferment of the consideration of the application for one month in order to allow time to prepare further information to respond to the Environmental Protection Department's comments. This was the first time that the applicant requested for deferment.

34.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicant pending the submission of further information from the applicant. The Committee agreed that the application should be submitted for its consideration within two months from the date of receipt of further information from the applicant. 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 16**

### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/ST/848                      Renewal of Planning Approval for Temporary Shop and Services (Money Exchange) for a Period of 3 Years in “Industrial” Zone, Unit F3, G/F, On Wah Industrial Building, 41 – 43 Au Pui Wan Street, Fo Tan, Sha Tin  
(RNTPC Paper No. A/ST/848)

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### **Presentation and Question Sessions**

35.            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 renewal of planning approval for temporary shop and services (money exchange) under application No. A/ST/755 for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d)    during the first three weeks of the statutory publication period, one public comment was received from the Chairman of the Sha Tin Rural Committee, indicating no comment on the application. No local objection/view was received by the District Officer (Sha Tin); and
- (e)    the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The proposed renewal application complied with the Town Planning Board Guidelines for Use/Development within “Industrial” Zone (TPB PG-No. 25D) and the TPB PG-No. 34B on Renewal of Planning Approval and

Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

[Dr Eugene K.K. Chan returned to join the meeting at this point.]

36. Members had no question on the application.

Deliberation Session

37. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.8.2014 to 5.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) the provision of the fire service installations and equipment within 6 months from the date of approval to the satisfaction of the Director of Fire Services or of the TPB by 5.2.2015; 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.”

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

- “ (a) 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;
- (b) to note the comments of the District Lands Officer/Shu Tin, Lands Department that the owner would be allowed to continue using the existing waiver to implement the proposal;

- (c) to note the comments of the Chief Building Surveyor/New Territories East (1) & Licensing Unit, Buildings Department (BD) that the proposed use shall comply with the requirements under the Buildings Ordinance (BO). For instance, the shop shall be separated from adjoining workshops by fire barriers with Fire Resistance Rating of 120 minutes, and the means of escape of the existing adjoining premises shall not be adversely affected. The subdivision of the unit/premises should comply with the provisions of Buildings Ordinance/Building (Minor Works) Regulations. The applicant should engage a registered building professional under the BO to co-ordinate the building works, if any;
  
- (d) to note the comments of the Director of Fire Services that detailed fire service requirements will be formulated upon receipt of formal submission of general building plans and means of escape completely separated from the industrial portion should be available for the subject unit. Regarding matters in relation to fire resisting construction for the subject premises, the applicant is advised to comply with the requirements as stipulated in the Code of Practice for Fire Safety in Buildings which is administered by BD; and
  
- (e) to refer to the ‘Guidance Note on Compliance with Planning Condition on Provision of Fire Safety Measures for Commercial Uses in Industrial Premises’ for the information on the steps required to be followed in order to comply with the approval condition on the provision of fire service installations.”

**Agenda Item 17**

Section 12A Application

[Open Meeting]

Y/NE-PK/5

Application for Amendment to the Approved Ping Kong Outline Zoning Plan No. S/NE-PK/11, To rezone the application site from “Green Belt” to “Government, Institution or Community (1)”, Lot 2100 (Part) in D.D. 91, Tai Lung, Sheung Shui  
(RNTPC Paper No. Y/NE-PK/5A)

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39. The Secretary reported that on 8.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address further comments of the Commissioner for Transport, Director of Agriculture, Fisheries and Conservation and Chief Town Planner/Urban Design and Landscape, Planning Department. This was the applicant’s second request for deferment.

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

40. 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 two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 18**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-FTA/139            Proposed Temporary Open Storage of Construction Materials for a Period of 3 Years in “Agriculture”, “Open Space” and “Road” Zones, Lots 184 RP and 187 RP (Part) in D.D. 52, Sheung Shui Wa Shan, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/139A)

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Presentation and Question Sessions

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

- (a)            background to the application;
- (b)            the proposed temporary open storage of construction materials for a period of 3 years;
- (c)            departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were domestic structures in the vicinity of the site. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from the landscape planning point of view in that the applicants had failed to comply with the landscape approval conditions under the previous applications;
- (d)            during the first three weeks of the statutory publication period, one public comment was received from a North District Council Member who supported the application mainly on the grounds that it could provide convenience to the applicants. No local objection/view was received by the District Officer (North); and

- (e) PlanD's views – PlanD considered that the temporary use could be tolerated for a period of 2 years based on the assessments as detailed in paragraph 12 of the Paper. The application generally complied with the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses in that there were previous approvals for similar use on the site and no major adverse departmental comments had been received. Although DEP did not support the application, there was no environmental complaint against the site over the past three years, and approval conditions restricting the operation hours were recommended. To address the concern of CTP/UD&L, PlanD on the possible adverse landscape impact on the surrounding areas, the applicants had included a landscape proposal in the submission and an approval condition on the submission and implementation of landscape proposal was recommended. Nevertheless, since the last two approvals were revoked due to non-compliance of approval conditions, a shorter compliance period of two years instead of three years as requested by the applicant was proposed to monitor the progress of compliance.

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

42. Members had no question on the application.

#### Deliberation Session

43. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 2 years until 25.7.2016, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 6:30p.m. and 8:30a.m. on Mondays to Saturdays, as proposed by the applicants, is allowed on the site during the planning approval period;

- (b) no operation on Sundays and public holidays, as proposed by the applicants, should be allowed on the site during the planning approval period;
- (c) no medium/heavy goods vehicle exceeding 5.5 tonnes, including container tractor/trailer, as defined in the Road Traffic Ordinance, as proposed by the applicants, is allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) peripheral fencing should be maintained on site at all times during the planning approval period;
- (e) the submission of landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (f) in relation to (e) above, the implementation of landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;
- (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 25.10.2014;
- (h) in relation to (g) above, the provision of drainage facilities within 6 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2015;
- (i) the provision of fire extinguisher(s) within 6 weeks from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 5.9.2014;

- (j) the submission of proposals for water supplies for fire-fighting and fire service installations within 3 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.10.2014;
- (k) in relation to (j) above, the implementation of proposals for water supplies for fire-fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (l) the submission of proposal for mitigation measures to the ecological sensitive receivers in the vicinity of the site within 3 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 25.10.2014;
- (m) in relation to (l) above, the implementation of mitigation measures to the ecological sensitive receivers in the vicinity of the site within 6 months from the date of planning approval to the satisfaction of the Director of Agriculture, Fisheries and Conservation or of the TPB by 25.1.2015;
- (n) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice; and
- (o) if any of the above planning conditions (e), (f), (g), (h), (i), (j), (k), (l) and (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.”

44. The Committee also agreed to advise the applicants of the following :

- “ (a) a shorter compliance period is granted in order to closely monitor the

compliance of approval conditions;

- (b) should the applicants fail to comply with the approval conditions again resulting in revocation of the planning permission, sympathetic consideration would not be given by the TPB to any further application;
- (c) to note the Project Manager/New Territories North and West, Civil Engineering and Development Department's comments that the site falls within the Fanling North New Development Area (NDA) under the North East New Territories NDAs Planning and Engineering Study in which the site formation works for the NDAs development are tentatively scheduled to commence in 2018 subject to review. It is suggested that planning permission on a temporary basis should only be granted to a date not later than the year of 2016 and any further extension of the temporary approval granted should obtain his prior comments;
- (d) to note the District Lands Officer/North, Lands Department's comments that the applicants should cease occupation of the portion of government land by demolishing and removing the structure concerned and setting back the fences concerned; and the owner of the lots concerned have to apply to his office for a Short Term Waiver (STW) for the proposed structures. There is no guarantee that the application for STW would necessarily be successful. If the STW is granted, it will be made subject to such terms and conditions to be imposed as the Government shall deem fit to do so including the payment of STW fee;
- (e) to note the Commissioner for Transport's comments that the unnamed non-standard local track connected to Man Kam To Road is not under his office's management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (f) to note the Director of Fire Services' comments in the following:
- (i) to address the approval condition on provision of fire extinguisher(s), the applicants should submit certificate(s) under Regulation 9(1) of the Fire Service (Installations and Equipment) Regulations (Chapter 95B) to his department for compliance with the condition;
  - (ii) if covered structures (e.g. container-converted office, temporary warehouse and temporary shed used as workshop) are erected within the site, fire service installations (FSIs) will need to be installed;
  - (iii) in such circumstances, except where building plan will be circulated to his department via the Centralised Processing System of the Buildings Department (BD), the applicants are required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval. In preparing the submission, the applicants are advised that the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of the proposed FSIs to be installed and the access for emergency vehicles should be clearly indicated on the layout plans; and
  - (iv) detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. The applicants will need to subsequently provide such FSIs according to the approved proposal;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments on the drainage proposal submitted by the applicants in Appendix V of the Paper and that the site is in an area where no public sewerage connection is available. The Environmental Protection Department should be consulted regarding the sewerage treatment/disposal facilities for the proposed development;

- (h) to note the Chief Town Planner/Urban Design and Landscape, Planning Department's detailed comments on the landscape proposal submitted by the applicants in Appendix V of the Paper;
- (i) to note the Chief Engineer/Development(2), Water Supplies Department's comments that the site is located within the flood pumping gathering ground;
- (j) to note the Chief Building Surveyor/New Territories West, BD's comments that (i) if the existing structure(s) are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application; (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the application site, prior approval and consent from BD should be obtained, otherwise they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO; (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO; (iv) if the proposed use under application is subject to the issue of a license, any existing structures on the site intended for such use are required to comply with the building safety and other relevant requirements as may be imposed by the licensing authority; (v) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with the Building (Planning) Regulations (B(P)R) 5 and 41D respectively; and (vi) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and

- (k) to follow the environmental mitigation measures as set out in the ‘Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites’ issued by the Environmental Protection Department in order to minimise any possible environmental nuisances.”

### **Agenda Item 19**

#### **Section 16 Application**

[Open Meeting]

A/NE-FTA/143                      Proposed Temporary Open Storage of Construction Machinery and Construction Materials for a Period of 3 Years in “Other Specified Uses” annotated “Port Back-up Uses” Zone, Lot 140 in D.D. 52, Sheung Shui  
(RNTPC Paper No. A/NE-FTA/143)

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45.            The Secretary reported that on 10.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to address the comments of the Transport Department. This was the first time that the applicant requested for deferment.

46.            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 20**

Section 16 Application

[Open Meeting]

A/NE-TKLN/2            Temporary Ancillary Site Office with Open Storage of Construction Equipment and Materials for a Period of 3 Years in “Agriculture” Zone, Lot 939 in D.D. 78, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/2A)

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47.            The Secretary reported that on 9.7.2014, the applicants had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments of the Transport Department and the Agriculture, Fisheries and Conservation Department. This was the applicants’ second request for deferment.

48.            After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Item 21**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-TKLN/3            Proposed Public Utility Installation (Package Substation) in  
“Agriculture” Zone, Government Land in D.D. 78, Tsung Yuen Ha,  
near Lin Ma Hang Road, Ta Kwu Ling North  
(RNTPC Paper No. A/NE-TKLN/3)

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Presentation and Question Sessions

49.            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 public utility installation (package substation);
- (c)        departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d)        during the first three weeks of the statutory publication period, no public comment was received and no local objection/view was received by the District Officer (North); and
- (e)        the Planning Department (PlanD)’s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

50.            A Member said that the site was located in the middle of an open area and asked whether it was a suitable location for the proposed electricity package substation. In response, Mr Wallace W.K. Tang, STP/STN, said that as the existing electricity package

substation at Lin Ma Hang Road near Chuk Yuen Tsuen had been included in the project area of the future Liantang/Heung Yuen Wai boundary control point (BCP), relocation of the package substation to a new location nearby was required. The site was close to Lin Ma Hang Road and a road next to the site affected by the works for the proposed Liantang/Heung Yuen Wai BCP would be reinstated.

### Deliberation Session

51. 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 25.7.2018, 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 fire service installations to the satisfaction of the Director of Fire Services 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 Director of Fire Services that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans;
- (b) to note the comments of the Director of Health that according to the World Health Organisation (WHO), with compliance with the 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. As such, the project proponent 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;

- (c) to note the comments of the Commissioner for Transport that the access leading to the site is a village road which is not managed by the Transport Department. The land status of the local access road should be checked with the Lands Department. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;
- (d) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that the water mains in the vicinity of the site cannot provide the standard pedestal hydrant;
- (e) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) that :
  - (i) the applicant should clarify on the plot ratio of the proposed substation in that adequate space clearance should be provided for the purpose of door openings and protection against fire spread;
  - (ii) before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise they are Unauthorised Building Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the Buildings Ordinance (BO);
  - (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any

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

- (iv) 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 the Building (Planning) Regulations (B(P)R) 5 and 41D respectively;
  - (v) if the site does not abut a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under B(P)R 19(3) at the building plan submission stage; and
  - (vi) detailed comments under the BO will be provided at the building plan submission stage;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department that as the site is in an area where no storm drainage is available, the applicant is required to provide proper drainage facilities for the development. The site is in an area where no public sewerage connection is available; and
- (g) to note the comments of the Director of Electrical and Mechanical Services that :
- (i) for the design and operation of electricity package substation, the applicant has to comply with the Electricity Ordinance and relevant statutory requirements. As the electricity package substation is to provide electricity supply to some future developments in the vicinity, the associated electricity demand should be provided by the nearby substations as far as possible; and
  - (ii) the “Code of Practice on Working near Electricity Supply Lines” established under the Electricity Supply Lines (Protection)

Regulation shall be observed by the applicant and his contractors when carrying out works in the vicinity of electricity supply lines.”

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

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

[Mr Kevin C.P. Ng, Mr C.K. Tsang and Mr Ernest C.M. Fung, Senior Town Planners/Fanling, Sheung Shui and Yuen Long East (STPs/FSYLE), were invited to the meeting at this point.]

### **Agenda Item 22**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/KTN/3                      Temporary Shop and Services (Retail Shop) for a Period of 3 Years in  
“Agriculture (1)” Zone, Lots 1527 RP, 1528 and 1529 in D.D. 95, Ho  
Sheung Heung, Kwu Tung North  
(RNTPC Paper No. A/KTN/3)

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

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

- (a)    background to the application;
- (b)    the proposed temporary shop and services (retail shop) for a period of 3 years;
- (c)    departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Commissioner for Transport (C for T) did not support the application as the applicant failed to provide sufficient

information to demonstrate that the temporary use would not cause adverse traffic impact on the area. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application from agricultural point of view and had reservation from nature conservation point of view as agricultural activities were very active in the Ho Sheung Heung area. The site and its surrounding areas had high potential for agricultural rehabilitation. Besides, there was no information provided to demonstrate that the proposed development would not cause any adverse impacts on ecological resources and water quality in the area. Approving the subject application might set an undesirable precedent, encouraging similar developments in this zone and that would adversely affect the ecological value and buffer function to the Long Valley. The Chief Town Planner/Urban Design & Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application and considered that the extensive hard paved car parking area of the proposed development was not compatible with the surrounding rural landscape character. In the recent site visit, it was noted that significant impact on the existing landscape resources and character had taken place;

- (d) during the first three weeks of the statutory publication period, three public comments were received from Designing Hong Kong Limited, World Wide Fund for Nature Hong Kong and a member of the public. They objected to the application mainly on the grounds that the application was not in line with the planning intention of the area and no traffic or environmental impact assessment had been submitted. Moreover, the site seemed to be a 'destroy first, develop later' case. The approval of the application could set an undesirable precedent for other similar applications in the area and the buffer area to Long Valley Nature Park might be affected. Besides, three out-of-time comments were received on 22.7.2014 from the Chairman of The Sheung Shui District Rural Committee and two Indigenous Inhabitant Representatives of Ho Sheung Hung Village supporting the application;
- (e) the District Officer (North) conveyed that the incumbent Northern District

Council Member and the Chairman of Sheung Shui District Rural Committee cum Resident Representatives of Ho Sheung Heung and one Indigenous Inhabitant Representative (IIR) of Ho Sheung Heung had no comment on the application. The other IIR of Ho Sheung Heung objected to the application as the location of the proposed shop would unlikely attract business and was concerned that the shop would be used to sell other goods in future;

- (f) PlanD's views – PlanD did not support the application based on the assessments as set out in paragraph 11 of the Paper and highlighted below :
- (i) the application was not in line with the planning intention of the “Agriculture (1)” (“AGR(1)”) zone. DAFC did not support the application as the site together with its surrounding areas had high potential for agricultural rehabilitation. No strong planning justification had been given for a departure from the planning intention, even on a temporary basis;
  - (ii) the proposed use was not compatible with the surrounding land uses which were rural in character predominated by farmland, fish ponds, tree groups, temporary structures and G/IC facilities. CTP/UD&L, PlanD had reservation on the application as the proposed development was not compatible with the rural natural landscape and significant impact on the existing landscape resources and character had taken place;
  - (iii) the application involved provision of a large number of parking spaces for the retail shop. In this regard, C for T did not support the application as the applicant failed to provide sufficient information to demonstrate that the temporary use would not cause adverse traffic impacts on the area; and
  - (iv) the applicant failed to demonstrate that the development would not generate adverse environmental, ecological, landscape and traffic

impacts on the surrounding areas. Approval of the application might set an undesirable precedent for similar application in the “AGR(1)” zone that would adversely affect the ecological value and buffer function for the Long Valley Nature Park.

54. The Secretary drew Members’ attention that three out-of-time comments were tabled at the meeting for Members’ information.

55. Members had no question on the application.

### Deliberation Session

56. 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 development is not in line with the planning intention of the “Agriculture (1)” (“AGR(1)”) zone which is intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes and to serve as a buffer to give added protection to the Long Valley Nature Park. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the development is not compatible with the surroundings which are predominantly rural in character with fallow/active farmland and abandoned ponds;
- (c) the applicant fails to demonstrate that the development would not cause adverse environmental, ecological, landscape and traffic impacts to the site and its surrounding area such as the proposed Long Valley Nature Park; and
- (d) the approval of the application would set an undesirable precedent for

similar applications within the “AGR(1)” zone. The cumulative effect of approving such similar applications would result in general degradation of the environment of the area and adverse traffic, landscape and ecological impacts on the surrounding areas.”

### **Agenda Item 23**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/NE-KTS/367            Temporary Storage of Metal Ware with Ancillary Office for a Period of 3 Years in “Recreation” Zone, Lots 1618 (Part), 1619 and 1620 (Part) in D.D. 100 and Adjoining Government Land, Ying Pun, Kwu Tung South, Sheung Shui  
(RNTPC Paper No. A/NE-KTS/367A)

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

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

- (a)            background to the application;
- (b)            the proposed temporary storage of metal ware with ancillary office for a period of 3 years;
- (c)            departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive receivers of domestic uses in the vicinity of the site and environmental nuisance was expected;
- (d)            during the first three weeks of the statutory publication period, one public comment was received from a North District Council Member indicating

no specific comment on the application. No local objection/view was received by the District Officer (North); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. Although DEP did not support the application, there was no record of pollution complaint for the site in the past three years and approval conditions restricting the operating hours, and prohibiting workshop use and medium/heavy goods vehicles including container tractors/trailers for transportation of goods to/from the site were recommended. Besides, the applicants would be advised to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental nuisances.

58. Members had no question on the application.

#### Deliberation Session

59. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 6:00 p.m. and 8:00 a.m. from Mondays to Fridays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (b) no operation on Saturdays and Sundays, as proposed by the applicants, is allowed on the site during the planning approval period;
- (c) no workshop activities should be carried out on the site at any time during the planning approval period;
- (d) no medium/heavy goods vehicles exceeding 5.5 tonnes, including

container tractors/trailers, as defined in the Road Traffic Ordinance, is allowed for transportation of goods to/from the site at any time during the planning approval period;

- (e) the existing drainage facilities should be properly maintained and rectified if found inadequate/ineffective during operation at all times during the planning approval period;
- (f) the submission of records showing conditions of the drainage facilities previously implemented on site for compliance with approval conditions of planning application No. A/NE-KTS/311 within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (g) the submission of proposals for water supplies for fire fighting and fire service installations within 6 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (h) in relation to (g) above, the implementation of proposals for water supplies for fire fighting and fire service installations within 9 months from the date of planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.4.2015;
- (i) the submission of tree preservation and landscape proposals within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;
- (j) in relation to (i) above, the implementation of tree preservation and landscape proposals within 9 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.4.2015;
- (k) if any of the above planning conditions (a), (b), (c), (d) or (e) is not complied with during the planning approval period, the approval hereby

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

- (l) if any of the above planning conditions (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon 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.”

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

- “ (a) prior planning permission should have been obtained before commencing the applied use at the site;
- (b) to resolve any land issues relating to the development with the concerned owner(s) of the site;
- (c) to note the comments of the District Lands Officer/North, Lands Department that an unauthorised structure not covered by the existing Short Term Waiver (STW) No. 1457 was found erected on Lot 1620 in D.D. 100 within the site. The applicants should apply to his office for modification of the existing STW No. 1457 to regularise the irregularities on site. There is no guarantee that the regularisation application will be approved. If the regularisation application is approved, it will be made subject to such terms and conditions to be imposed including payment of STW fee;
- (d) to note the comments of the Commissioner for Transport that the vehicular access to the site is via a village track connecting with Fan Kam Road. The unnamed village track is not under his department’s management. In this regard, the land status of the access leading to the site should be checked with the lands authority. The management and maintenance

responsibilities of the same access should also be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the comments of the Chief Highway Engineer/New Territories East, Highways Department that any access road leading from Fan Kam Road to the site is not maintained by his department;
- (f) to note the comments of the Chief Engineer/Mainland North, Drainage Services Department regarding the submission of records showing conditions of the drainage facilities previously implemented on site for compliance with approval condition (f) as follows :
  - (i) the records should include photographs of the said drainage facilities taken within 2 weeks after the date of the TPB's approval to the subject application, and a plan showing where the photographs are taken;
  - (ii) the said drainage facilities should be thoroughly cleared of deposits, overgrowth or and other obstruction that may put the drainage facilities out of view before taking the photographs;
  - (iii) adequate photographs should be taken to capture a complete view of the drainage facilities in sufficient details;
- (g) to follow the environmental mitigation measures as set out in the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department in order to minimise any possible environmental nuisances;
- (h) to note the comments of the Chief Building Surveyor/New Territories West, Buildings Department (BD) as follows :
  - (i) if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House), they are

unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the application;

- (ii) before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise, they are Unauthorised Buildings Works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance with the BO;
- (iii) for UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO;
- (iv) in connection with (ii) above, the site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively;
- (v) if the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
- (i) to note the comments of the Director of Fire Services 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) will need to be installed. The applicants are required to send the relevant layout plans to his department incorporated with the proposed FSIs for approval except where building plan is circulated to the Centralised Processing System of BD. In doing so, the applicants should note that the layout plans should be drawn to scale and depicted with

dimensions and nature of occupancy; and the location of the proposed FSIs and the access for emergency vehicles should be clearly marked on the layout plans. Detailed fire safety requirements will be formulated upon receipt of formal submission of the aforesaid plans. The applicants will need to subsequently provide such FSIs according to the approved proposal;

- (j) to note the comments of the Director of Agriculture, Fisheries and Conservation that there is a watercourse immediately adjacent to the southern boundary of the site and the applicants should be advised to implement necessary measures to prevent pollution and disturbance to the watercourse as far as possible;
  
- (k) to note the comments of the Chief Town Planner/Urban Design and Landscape, Planning Department that more than 50% of the existing trees are in fair condition only and the applicants are required to replace any tree if found dead. In addition, the weed tree, *Leucaena leucocephala*, at the south-eastern boundary should be removed and replaced by new tree planting. Besides, objects were found dumped on the tree planting areas and the applicants are required to rectify this situation and submit updated tree preservation and landscape proposals; and
  
- (l) to note the comments of the Chief Engineer/Development(2), Water Supplies Department that 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. The site is located within the flood pumping gathering ground.”

**Agenda Item 24**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-KTS/642            Proposed Temporary Shop and Services (Grocery, Pet Salon and Retail Shop with Staff Pantry) for a Period of 3 Years in “Village Type Development” Zone, Lot 390 RP (Part) in D.D.106, Tin Sam Tsuen, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-KTS/642)

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61.            The Secretary reported that Mr W.C. Luk, Chief Traffic Engineer/New Territories West, Transport Department and Ms Janice W.M. Lai had declared interests in this item as Mr Luk owned a house at Kam Sheung Road, Pat Heung and Ms Lai’s family members owned a house at Cheung Po Tsuen, Pat Heung. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting and Mr Luk’s property did not have a direct view on the application site. Members agreed that Mr Luk could stay in the meeting.

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

Presentation and Question Sessions

62.            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 temporary shop and services (grocery, pet salon and retail shop with staff pantry) for a period of 3 years;
- (c)            departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d)            during the first three weeks of the statutory publication period, no public

comment was received and no local objection/view was received by the District Officer (Yuen Long); and

- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. All concerned departments had no adverse comment on or no objection to the application.

63. Members had no question on the application.

#### Deliberation Session

64. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years until 25.7.2017, 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 7:00p.m. and 9:00a.m., as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) no operation on Saturdays between 3:00 p.m. and 7:00 p.m., Sundays and public holidays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (c) no medium or heavy goods vehicles exceeding 3.3 tonnes including container tractors/trailers, as defined in the Road Traffic Ordinance, as proposed by the applicant, are allowed to be parked/stored on or enter/exit the site at any time during the planning approval period;
- (d) no reversing of vehicle into or out from the site at any time during the planning approval period;
- (e) the existing drainage facilities within the site shall be maintained at all times during the planning approval period;

- (f) the submission of a record of the existing drainage facilities on the site within 3 months from the date of planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (g) the submission of 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 25.1.2015;
- (h) in relation to (g) above, the implementation of 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 25.4.2015;
- (i) the implementation of the accepted landscape proposal within 6 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;
- (j) the submission of 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 25.1.2015;
- (k) in relation to (j) above, the provision of fire service installations within 9 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 25.4.2015;
- (l) if any of the above planning conditions (a), (b), (c), (d) or (e), is not complied with during the planning approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (m) if any of the above planning conditions (f), (g), (h), (i), (j) or (k) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and

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

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

- “ (a) to resolve any land issue relating to the development with the concerned owner(s) of the application site;
  
- (b) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the private lot within the site is an Old Schedule Agricultural Lot held under the Block Government Lease under which no structure is allowed to be erected without prior approval from LandsD. Lot 390 RP (Part) in D.D. 106 is covered by Short Term Waiver No. 3818 to allow the use of land for the purpose of temporary public vehicle park for private car and van. Moreover, the site is abutting Kam Sheung Road via Government Land and private land. LandsD does not provide maintenance works on this access nor guarantee any right-of-way. The lot owner concerned will still need to apply to LandsD to permit any additional/excessive structures to be erected or regularise any irregularities on the site. Such application will be considered by LandsD acting in the capacity as landlord at its sole discretion and there is no guarantee that such application will be approved. If the application is approved, it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
  
- (c) to adopt environmental mitigation measures as set out in the “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisances;
  
- (d) to note the Commissioner for Transport’s comments that the site is connected to the public road network via a section of a local access road which is not managed by the Transport Department. The land status of

the local access road should be checked with the LandsD. Moreover, the management and maintenance responsibilities of the local access road should be clarified with the relevant lands and maintenance authorities accordingly;

- (e) to note the Director of Environmental Protection's comments that all wastewater from the site shall comply with the requirements stipulated in the Water Pollution Control Ordinance;
- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that there is no record of approval by the Building Authority for the structures existing at the site. If the existing structures are erected on leased land without approval of BD, they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any use. Before any new building works are to be carried out on the site, the prior approval and consent of BD should be obtained. Otherwise, they are unauthorised building works (UBW). An Authorised Person should be appointed as the co-ordinator for the proposed building works in accordance of the BO. If the 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 Building (Planning) Regulations (B(P)R) 19(3) at building plan submission stage. The site shall be provided with means of obtaining access thereto from a street under the B(P)R 5 and emergency vehicular access shall be provided under the B(P)R 41D. For UBW erected on leased land, enforcement action may be taken by BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the site under the BO. The proposed structures may be considered as temporary buildings and are subject to control under the B(P)R Pt. VII;
- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the drainage facilities should be maintained

in a good condition and will not cause any adverse drainage impact to the adjacent areas;

- (h) to note the Director of Fire Services' comments that in consideration of the design/nature of the proposed structures, fire service installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his department for approval. The layout plans should be drawn to scale and depicted with dimensions and nature of occupancy. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of certain FSIs, the applicant is required to provide justifications to his department for consideration. If the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (i) 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 lines) within or in the vicinity of the site, 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. 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. 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.”

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

**Agenda Item 25**

**Section 16 Application**

[Open Meeting]

A/YL-KTS/643            Temporary Vehicle Repair Workshop for a Period of 3 Years in “Agriculture” Zone, Lots 355 RP (Part), 356 SB (Part), 356 RP, 359 RP, 360 RP (Part), 361, 362 (Part), 363, 364 (Part) and 435 RP (Part) in D.D. 103 and Adjoining Government Land, Ko Po San Tsuen, Kam Tin, Yuen Long  
(RNTPC Paper No. A/YL-KTS/643)

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66.            The Secretary reported that on 10.7.2014, the applicant had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address the comments from the relevant government departments on drainage and fire safety aspects. This was the first time that the applicant requested for deferment.

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

**Agenda Items 26 and 27**

Section 16 Applications

[Open Meeting]

A/YL-PH/693            Filling of Land for Permitted New Territories Exempted Houses (Small Houses) development in “Village Type Development” Zone, Lots 709S.A, 709S.B, 709S.C, 709S.D and 709S.E in D.D. 111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/693)

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A/YL-PH/694            Filling of Land for Permitted New Territories Exempted Houses (Small Houses) in “Village Type Development” Zone, Lots 683S.E and 683S.F in D.D. 111, Pat Heung, Yuen Long  
(RNTPC Paper No. A/YL-PH/694)

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

69.            The Secretary reported that on 9.7.2014, the applicants had requested for deferment of the consideration of the applications for two months in order to allow time to prepare drainage proposal to address the relevant departmental comments. This was the first time that the applicants requested for deferment.

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

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

**Agenda Item 28**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-SK/201            Proposed Four Houses (New Territories Exempted Houses) in  
                                 “Agriculture” Zone, Lots 1504 (Part) and 1505(Part) in D.D. 112,  
                                 Tsing Tam Village, Shek Kong, Yuen Long  
                                 (RNTPC Paper No. A/YL-SK/201)

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71.            The Secretary reported that Ms Anita K.F. Lam, Assistant Director/Regional 3, Lands Department (AD/R3, LandsD) had declared an interest in this item as she was one of the applicants and she had current business dealings with the consultant, Lanbase Surveyors Ltd.. Members noted that Ms Lam had left the meeting already.

Presentation and Question Sessions

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

- (a)            background to the application – the site was the subject of a previous application No. A/YL-SK/148 for three houses (NTEHs) submitted by a different applicant approved with conditions by the Committee on 21.8.2009. The planning permission lapsed on 22.8.2013;
- (b)            the proposed four houses (NTEHs);
- (c)            departmental comments – departmental comments were set out in paragraph 8 of the Paper. Concerned departments had no objection to or no adverse comment on the application;

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

- (d) during the first three weeks of the statutory publication period, eight public comments were received from a Yuen Long District Councillor, the village representatives and villagers of Shui Tsan Tin Village (with signatures of 103 villagers), the village representatives of Yuen Kong Tsuen and Yuen Kong San Tsuen, a local villager, World Wide Fund For Nature Hong Kong, the Hong Kong Bird Watching Society and Designing Hong Kong Limited. The commenters all objected to or expressed concerns on the application mainly on the grounds that the proposed development was not compatible with the planning intention and would cause adverse environmental, traffic and ecological impacts while no impact assessment had been conducted for the application. It would also affect local access and fung shui hence the safety, wealth and health of the villagers. Approval of the application would set an undesirable precedent for similar applications. Sufficient time should be allowed for consultation with the villagers of Shui Tsan Tin Village;
- (e) the District Officer (North) conveyed that four local comments were received, which were the same as four of the public comments received during the statutory publication period;
- (f) the Planning Department (PlanD)'s views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper and were summarised below :
  - (i) whilst the proposed development was not entirely in line with the planning intention of the “Agriculture” (“AGR”) zone, the Director of Agriculture, Fisheries and Conservation (DAFC) considered that the site’s potential for agricultural rehabilitation was low and had no objection to the proposed development;
  - (ii) the application was a revision to the previously approved scheme under application No. A/YL-SK/148. Compared with the previous approved scheme, the current application involved increase in site

area from 647.5m<sup>2</sup> to 674m<sup>2</sup> (+4.09%), gross floor area (GFA) from 323.4m<sup>2</sup> to 728.4m<sup>2</sup> (+125.23%), plot ratio from 0.5 to 1.08 (+116%), site coverage from 25% to 36%, number of blocks from 3 to 4 (+33.33%) and building height from 2 storeys (6m) to 3 storeys (8.23m) with a different site layout. Although there were major increases in GFA, number of blocks and building height as compared with the previously approved scheme, the size of each of the proposed NTEH was slightly smaller than that of a typical NTEH/Small House commonly found in the rural areas and was considered not excessive. Moreover, the Principal Land Executive/New Territories Action Team (PLE/NTAT), LandsD advised that portion of Lot 1504, i.e. 0.04 acre (161.9m<sup>2</sup>), and the whole Lot 1505, i.e. 0.02 acre (80.9m<sup>2</sup>) were of “House” status. Although the relevant land documents effecting the conversion of portions of the subject lots to “House” status could not be traced, according to LandsD’s prevailing practice in tackling similar “missing lease” cases, the subject lots might have development parameters of a total roofed over area of 242.8m<sup>2</sup> up to 3 storeys. Hence, the applicants were allowed to redevelop the subject lots into four NTEHs with a total GFA of not exceeding 728.4m<sup>2</sup> and building height of 3-storeys (8.23m) and PLE/NTAT, LandsD had no adverse comment on the parameters/scale of the proposed houses; and

- (iii) the proposed development was considered not incompatible with the surrounding environment which was predominantly rural in character. Relevant government departments consulted had no objection to/adverse comment on the application. Regarding the public comments, the above assessments were relevant.

73. A Member referred to paragraph 10.4 of the Paper and noted that the applicants indicated that they had commenced agricultural rehabilitation at the agricultural land to maintain and improve the landscape character of the land, however this appeared to be contradictory to DAFC’s comment in paragraph 10.1 of the Paper that the site’s potential for agricultural rehabilitation was low. With reference to the site photos shown in Plans A-4a

and A-4b of the Paper, Mr C.K. Tsang clarified that DAFC's comment in paragraph 10.1 referred to the application site, which was currently vacant covered with grasses with some temporary/ruined structures. The area mentioned by the applicants was the agricultural land to the northwest of the application site, which DAFC considered as suitable for agricultural rehabilitation and was of agricultural value that should be preserved. DAFC's comments were included in paragraph 8.1.3 (c) of the paper.

74. In response to the same Member's enquiry on consideration of similar applications by the Committee, Mr C.K. Tsang said that it was the established practice of the Town Planning Board to respect the lease entitlement in considering similar planning applications for house development in the New Territories and there were four similar applications (No. A/NE-TK/417, A/NE-TK/433, A/TP/548 and A/NE-KLH/381) for development of NTEHs approved from 2009 to 2014. For applications No. A/NE-TK/417 and 433 located in Po Sam Pai, Tai Po, the sites mainly fell within the "Coastal Protection Area" zone on the Ting Kok Outline Zoning Plan (OZP) with the proposed scale and intensity in line with that of the existing building and the building entitlement under the lease. The site for application No. A/TP/548 fell within the "Green Belt" zone on the Tai Po OZP with the proposed scale and intensity in accordance with the existing development. For application No. A/NE-KLH/381, the site fell within "AGR" zone on the Kau Lung Hang OZP and planning permission was sought to build eight NTEHs with proposed scale and intensity in accordance with the New Grant Lease. All these applications were approved with conditions by the Committee on the consideration that the sites were of "House" status, with building entitlement under the lease or to respect the development right of a site permitted under the lease. Other relevant considerations including the land use compatibility, impact on surrounding environment and comments from relevant government departments were also taken into account.

75. In response to a Member's question regarding the "House" status of the site, Mr C.K. Tsang said that according to LandsD's advice, the "House" status was reflected in the old "A" rent roll records, which indicated that land rent was charged in respect of 0.06 acre (or 242.8m<sup>2</sup>) of house land within portion of Lot 1504 and the whole Lot 1505.

76. The same Member expressed concern on the identity of the applicant who was AD/R3, LandsD, and the application was considered acceptable by LandsD, and asked

whether the application could be considered by a third party. The Chairman said that the applicant's identity was not a relevant consideration in processing the planning application and asked PlanD's representative to explain how LandsD determined whether three or four NTEHs could be allowed on the site from land administration perspective. Mr C.K. Tsang said that according to the PLE/NTAT, LandsD, portion of Lot 1504, i.e. 0.04 acre (161.9m<sup>2</sup>) and the whole Lot 1505, i.e. 0.02 acre (80.9m<sup>2</sup>) were of "House" status. However, the relevant land documents effecting the conversion of portions of the subject lots to "House" status could not be traced. In the absence of lease conditions governing the proposed redevelopment of the subject lots and according to the prevailing practice of the District Lands Office, Yuen Long in tackling similar "missing lease" cases, the subject lots might have development parameters of a total roofed over area of "435.6 ft<sup>2</sup> x 6" equivalent to 2,613.6ft<sup>2</sup> or 242.8m<sup>2</sup>, up to 3 storeys and with a maximum building height of 27ft (or 8.23m). As such, the applicants were entitled under the lease to redevelop the subject lots into four NTEHs with a total GFA of not exceeding 728.4m<sup>2</sup> and building height of 3-storeys (8.23m). As for the previous application (No. A/YL-SK/148), the applicant derived the size of the proposed NTEHs from the assumed development potential of 66.6% coverage on "House" lot area under Government Notification 364 of 1934, thus a GFA of 323.4m<sup>2</sup> was proposed.

77. The Member who earlier expressed concern on the application asked how to determine which calculation method should be applied. Mr C.K. Tsang said that since it involved issues on lease entitlement, it had to rely on the advice of LandsD to determine whether the proposed GFA was acceptable and the relevant comments of LandsD had been covered in paragraph 8.1.1 of the paper. For both the previous and the current applications, LandsD had no adverse comment on the parameters/scale of the proposed houses. Mr Tsang reiterated that while lease entitlement was one of the considerations, other planning considerations, including the compatibility of the proposed development with the surrounding environment, had also been taken into account.

#### Deliberation Session

78. A Member said that the area was predominantly rural in character and effort should be made to reinstate the site for agricultural use. Another Member noted that the site was located in between an area zoned "Conservation Area" and a large piece of agricultural land, and this Member had doubt on why DAFC considered that the site's potential for

agricultural rehabilitation was low. However, given that it had been an existing practice of the Committee to take into account building entitlement under the lease in considering planning application for house development, this Member had no objection to the application.

79. The Chairman said that it was an established practice of the Committee to respect the development right of a site permitted under the lease in considering planning application for house development in the New Territories. Making reference to an aerial photo, Members noted that residential dwellings/structures or village houses were mainly found to the further northwest of the site along an access road within the “AGR” zone. These village houses were mainly two storeys in height with a few of them of three storeys. There were two residential dwellings/structures located close to the site to the south and southwest.

80. 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 25.7.2018, 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 and tree preservation proposal to the satisfaction of the Director of Planning or of the TPB; and
- (b) the submission and implementation of drainage proposal to the satisfaction of the Director of Drainage Services or of the TPB.”

81. The Committee also agreed to advise the applicants of the following :

- “ (a) the proposed development must also conform to any other relevant legislation, the conditions of the Government lease concerned, and any other Government requirements, as may be applicable;
- (b) no hard paving, site clearance, site leveling and erection of any structure should be carried out on the agricultural land owned by the applicants to the immediate northwest of the site as mentioned in the submission;

- (c) to note the Principal Land Executive/New Territories Action Team, Lands Department (LandsD)'s comments that the parameters/scale of the proposed houses will be subject to the consideration and final decision of the respective District Lands Office Conference;
- (d) to note the Chief Building Surveyor/New Territories West, Buildings Department's comments that all non-exempted ancillary site formation and/or communal drainage works are subject to compliance with the Buildings Ordinance. An Authorised Person must be appointed for the site formation and communal drainage works;
- (e) to note the Director of Agriculture, Fisheries and Conservation's comments that the agricultural land to the northwest of the site is considered to be suitable for agricultural rehabilitation and is of agricultural value that should be preserved. The site is surrounded by some wooded area with mature trees. The proposed development should avoid affecting the trees therein as far as practicable from tree preservation point of view. There is a pond near the site and a watercourse in the proximity along the western boundary of the site. The site is also abutting "Conservation Area" zone to the east. Precautionary and mitigation measures should be undertaken to avoid any potential disturbance, particularly in terms of surface runoff, to the watercourse, the fishing activities of the nearby pond, and the surrounding environment;
- (f) to note the Chief Engineer/Development(2), Water Supplies Department (WSD)'s comments that due to the relatively high level and remoteness of the site, the applicants may need to make use of their private pump system to effect adequate water supply to the proposed development. The applicants shall be responsible for the construction, operation and maintenance to WSD's standards of any private water supply system for water supply to the proposed development. The applicants shall not be allowed to use the existing waterworks vehicular access road along the catchwater for making access to the proposed development;

- (g) to note the Chief Engineer/Mainland North, Drainage Services Department's comments that the proposed development should not generate adverse drainage impact on the adjacent areas;
- (h) to note the Director of Fire Services' comments that the applicants are advised to follow the "New Territories Exempted Houses – A Guide to Fire Safety Requirements" issued by LandsD; and
- (i) 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 the relevant drawings obtained, if there is underground cable and/or overhead line within or in the vicinity of the site, for site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicants and/or their contractor(s) shall liaise with the electricity supplier and, if necessary, ask the electricity supplier to divert the underground cable and/or overhead line away from the vicinity of the proposed structure. The "Code of Practice on Working near Electricity Supply Lines" established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicants and their contractor(s) when carrying out works in the vicinity of the electricity supply lines."

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

**Agenda Item 29**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-MP/235            Renewal of Planning Approval for Temporary Wooden Platforms at Mai Po Nature Reserve to Facilitate the Delivery of Environmental Education Programmes for a Period of 3 Years in “Site of Special Scientific Interest” Zone, Gei Wai 16b, Mai Po Nature Reserve, Government Land, Mai Po, Yuen Long  
(RNTPC Paper No. A/YL-MP/235)

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Presentation and Question Sessions

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

- (a)        background to the application;
- (b)        the renewal of planning approval for temporary wooden platforms at Mai Po Nature Reserve to facilitate the delivery of environmental education programmes under application No. A/YL-MP/192 for a period of 3 years;

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

- (c)        departmental comments – departmental comments were set out in paragraph 10 of the Paper. Concerned government departments had no objection to or no adverse comment on the application;
- (d)        during the first three weeks of the statutory publication period, one public comment was received from the a member of the public supporting the application without giving reason. No local objection/view was received by the District Officer (Yuen Long); and
- (e)        the Planning Department (PlanD)’s views – PlanD considered that the

temporary use could be tolerated for a further period of 3 years based on the assessments as detailed in paragraph 12 of the Paper. The proposed renewal application complied with the Town Planning Board Guidelines for Application for Developments within Deep Bay Area under Section 16 of the Town Planning Ordinance (TPB PG-No. 12C) and the TPB PG-No. 34B on Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development.

83. Members had no question on the application.

#### Deliberation Session

84. In response to the Chairman's enquiry, Mr Ernest C.M. Fung said that the applicant could apply for a permanent instead of a temporary approval for the proposed use in future and the applicant would be advised accordingly.

85. After further deliberation, the Committee decided to approve the application on a temporary basis for a period of 3 years from 6.8.2014 to 5.8.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following condition :

“ upon the expiry of the planning permission, the reinstatement of the application sites to their original state to the satisfaction of the Director of Planning or of the TPB.”

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

“ to note the District Lands Officer/Yuen Long, Lands Department's comments that the sites are situated on Government land within a licence area which has been granted to the applicant for the permission to occupy the said area for the purpose of a Wildlife Education Centre. Under the conditions of the licence, the licence area shall not be used for any purpose other than as part of the Wildlife Education Centre established in Mai Po by the licensee. Moreover, no structure other than those which shall have obtained his prior written

approval shall be erected on the licence area. In this regard, approval, expiring on 6.8.2014, has been given to the applicant for the erection of the two temporary wooden platforms. As the current renewal application will be beyond 6.8.2014, the applicant shall apply to his office for renewal of the said approval prior to its expiry. Such application would be considered on its own merit and there is no guarantee that approval would be given. Should no application be received/approved and any irregularities persist on site, his office will consider taking appropriate action against the licensee pursuant to the relevant provisions of the licence.”

[The Chairman thanked Mr Kevin C.P. Ng, Mr C.K. Tsang and Mr Ernest C.M. Fung, STPs/FSYLE, for their attendance to answer Members’ enquiries. They left the meeting at this point.]

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

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

### **Agenda Item 30**

#### **Section 16 Application**

[Open Meeting]

A/YL-NTM/303            Proposed Temporary Primary School at Former Yau Tam Mei School for a Period of 3 Years in “Recreation” Zone, Government Land in D.D. 104, Ngau Tam Mei, Yuen Long  
(RNTPC Paper No. A/YL-NTM/303)

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87.            The Secretary reported that Lanbase Surveyors Ltd. was the consultant of the applicant. Ms Anita K.F. Lam, Assistant Director/Regional 3, Lands Department, had declared an interest in this item as she had current business dealings with the consultant. Members noted that Ms Lam had left the meeting already.

88.            The Secretary reported that on 11.7.2014, the applicant had requested for

deferment of the consideration of the application for two months in order to allow time to prepare further information to address departmental comments. This was the first time that the applicant requested for deferment.

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

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

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

### **Agenda Item 31**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-HT/903                      Temporary Container Vehicle Repair Yard with Ancillary Office for a Period of 3 Years in "Open Storage" Zone, Lots 1188 RP (Part), 1333 (Part), 1334 (Part), 1335 (Part) and 1336 (Part) in D.D. 125, Ha Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-HT/903)

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

90. 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 container vehicle repair yard with ancillary office for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) did not support the application as there were sensitive uses along Ha Tsuen Road and environmental nuisance was expected;
- (d) during the first three weeks of the statutory publication period, one public comment was received from a Yuen Long District Council Member objecting to the application mainly on the grounds that the site was subject to previous consecutive revoked planning permissions which showed the applicants' lack of sincerity to address the possible issues. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD considered that the temporary use could be tolerated for a period of 1 year based on the assessments as detailed in paragraph 12 of the Paper. The site fell within Category 1 areas under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application complied with the TPB Guidelines. Although DEP did not support the application, there was no environmental complaint against the site over the past three years and approval conditions restricting the operation hours were recommended. Besides, the applicant would be advised to follow the “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” to minimise any possible environmental impacts on the adjacent areas. However, as the site had involved 2 previous consecutive revoked planning permissions (No. A/YL-HT/579 and 611) submitted by the same applicant for the same applied use, and there was a public concern on the lack of sincerity of the applicant to address possible issues, a shorter approval period of one year

instead of three years sought was recommended to monitor the site situation.

91. Members had no question on the application.

#### Deliberation Session

92. After deliberation, the Committee decided to approve the application on a temporary basis for a period of 1 year until 25.7.2015, instead of the period of 3 years sought, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no night-time operation between 7:00 p.m. to 8:00 a.m., as proposed by the applicant, is allowed on the site during the 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 vehicle queuing back to public road or vehicle reversing onto/from the public road is allowed at any time during the planning approval period;
- (d) the existing drainage facilities on the site should be maintained at all times during the planning approval period;
- (e) the submission of a condition record of existing drainage facilities within 3 months to the satisfaction of Director of Drainage Services or of the TPB by 25.10.2014;
- (f) the submission of a tree preservation and landscape proposal within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (g) in relation to (f) above, the implementation of the tree preservation and landscape proposal within 6 months from the date of planning approval to

the satisfaction of the Director of Planning or of the TPB by 25.1.2015;

- (h) the submission of a fire service installations proposal within 3 months from the date of planning approval to the satisfaction of Director of Fire Services or of the TPB by 25.10.2014;
- (i) in relation to (h) above, the implementation of the 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 25.1.2015;
- (j) the provision of fencing of the site, as proposed by the applicant, within 3 months from the date of planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (k) if any of the above planning conditions (a), (b), (c) or (d) is not complied with during the approval period, the approval hereby given shall cease to have effect and shall be revoked immediately without further notice;
- (l) if any of the above planning conditions (e), (f), (g), (h), (i) or (j) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice; and
- (m) upon expiry of the planning permission, the reinstatement of the application site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) prior planning permission should have been obtained before continuing the development on the site;
- (b) a shorter approval period is granted in order to monitor the situation of the site. Sympathetic consideration may not be given by the TPB to any

further planning application should the applicant fail to comply with the approval condition(s) resulting in the revocation of the planning permission again;

- (c) to note the comments of the District Lands Officer/Yuen Long, Lands Department (LandsD) that the land within the site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structure is allowed to be erected without the prior approval of the Government. The site is accessible to Ha Tsuen Road via other private lots. His office does not guarantee right-of-way. The lot owner concerned needs to apply to his office to permit structures to be erected or regularise any irregularities on site. Such application would be considered by LandsD acting in the capacity as landlord at its sole discretion. If the 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 follow the latest “Code of Practice on Handling Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimise any potential environmental nuisance;
- (e) to note the comments of the Commissioner for Transport that sufficient manoeuvring spaces shall be provided within the subject site. No vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (f) to note the comments of the Chief Highway Engineer/New Territories West, Highways Department (HyD) that adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. HyD shall not be responsible for the maintenance of any access connecting the site and the road near Tin Ha Road;
- (g) to note the comments of the Chief Town Planner/Urban Design and

Landscape, Planning Department that according to the tree preservation proposal submitted by the applicant, 7 existing trees within the site would be preserved. With reference to the site record of last application (A/YL-HT/611), there were 9 existing trees within the site. However, it is observed that 1 tree was missing, 1 tree was felled with stump, 3 trees were damaged and only 4 trees were in good condition. The applicant is required to replace the missing tree, felled tree and damaged trees. In addition, tree planting opportunity is available along the site boundary. To avoid the trees on site being damaged, tree protective measures should be provided;

- (h) to note the comments of the Director of Fire Services that the applicant is advised to submit relevant layout plans incorporated with the proposed fire service installations (FSIs) to 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. The location of where the proposed FSIs to be installed should be clearly marked on the layout plans. Should the applicant wish to apply for exemption from the provision of FSIs as prescribed by his Department, the applicant is required to provide justifications to his Department for consideration. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans; and
  
- (i) 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 New Territories Exempted Houses), they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers/open sheds as temporary buildings) are to be carried out on the site, the prior approval and consent of BD should be obtained, otherwise

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

### **Agenda Item 32**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/332                      Temporary Public Vehicle Park for Private Cars for a Period of 3 Years  
in “Agriculture” Zone, Lot 1347 in D.D. 117, Tai Tong, Yuen Long  
(RNTPC Paper No. A/YL-TT/332)

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

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

- (a)      background to the application;
- (b)      the temporary public vehicle park for private cars for a period of 3 years;
- (c)      departmental comments – departmental comments were set out in

paragraph 9 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) objected to the application from the landscape perspective. Based on the aerial photo taken in June 2013 and the site visit conducted in June 2014, it was found that significant change and disturbances to the existing landscape character and resources had taken place. The proposed public vehicle park was considered not compatible with the rural landscape character, and there were no tree survey, tree preservation or landscape proposals submitted to mitigate the adverse landscape impact arising from the proposed use on the site. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application and commented that suspected illegal filling of ponds/land and unauthorised development had been conducted on-site. Approval of the suspected “destroy first, build later” case would set an undesirable precedent on encouraging other similar unauthorised activities and development in the subject area. Besides, the site had potential for agricultural rehabilitation and any filling of ponds was not supported from fisheries viewpoint. The Commissioner for Transport (C for T) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) also requested the application to provide relevant traffic surveys data and drainage proposal respectively;

- (d) during the first three weeks of the statutory publication period, seven public comments were received. The comments submitted by the Chairman of Shap Pat Heung Rural Committee, Vice-Chairman of Shap Pat Heung District Resident Association, Village Representative of Tai Tong Tsuen and the Chairman of New Territories Warehouse and Logistics Business Association supported the application mainly on the grounds that there was an acute demand for public vehicle park in the Tai Tong area and the proposed use could cater for the needs of the residents in the vicinity as well as the visitors visiting the Tai Tong area and Tai Lam Country Park. Designing Hong Kong Limited objected to the application mainly on the grounds of land use incompatibility, no traffic assessment had been submitted and the long-term cumulative impact. A Yuen Long District Councillor and Kadoorie Farm and Botanic Garden Corporation raised

concerns on vehicular traffic generated, potential pond and land filling associated with the proposed use, and conservation of agricultural land to safeguard sustainable food production. 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 as set out in paragraph 11 of the Paper and highlighted below :
- (i) the application was not in line with the planning intention of the “Agriculture” zone. DAFC did not support the application as the site had potential for agricultural rehabilitation. No strong planning justification had been given for a departure from the planning intention, even on a temporary basis;
  - (ii) according to the aerial photos and site visits, vegetation clearance, site formation/land and pond filling works were found on the site and the Planning Authority had issued Enforcement Notice to the concerned parties requiring the discontinuance of the unauthorised development. Although the unauthorised development was discontinued, reinstatement work was under consideration by the Planning Authority. The pond and land filling activities at the site creating a fait accompli situation should not be tolerated;
  - (iii) CTP/UD&L, PlanD also objected to the application while C for T and CE/MN, DSD requested the application to provide relevant traffic survey data and drainage proposals respectively. The applicant failed to demonstrate that the applied use would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas; and
  - (iv) the approval of the application, even on a temporary basis, could be misinterpreted by the public as acceptance of the ‘destroy first’ actions and the cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.

95. Members had no question on the application.

### Deliberation Session

96. 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 development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily intended to retain and safeguard good agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. No strong planning justification has been given in the submission for a departure from the planning intention, even on a temporary basis;
- (b) the applicant fails to demonstrate that the development would not generate adverse traffic, environmental, landscape and drainage impacts on the surrounding areas; and
- (c) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications within the “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation of the rural environment of the area.”

### **Agenda Item 33**

#### Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-TT/333            Proposed Religious Institution (Taoism Retreat House) in  
“Agriculture” Zone, Lot 2138 in D.D. 116, Tai Tong Tsuen, Yuen Long  
(RNTPC Paper No. A/YL-TT/333)

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#### Presentation and Question Sessions

97. 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 proposed religious institution (Taoism retreat house);
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. The Director of Agriculture, Fisheries and Conservation (DAFC) did not support the application and considered that the site was suitable for agricultural rehabilitation in terms of green house cultivation and nursery. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had reservation on the application from landscape perspective. The site was the subject of a previous application (No. A/YL-TT/278) approved in 2011 with approval conditions requiring submission and implementation of tree preservation and landscape proposals. However, all the vegetation cover and existing trees had since been removed. Noticeable change and disturbances to the existing landscape character and resources had taken place. The current landscape proposal submitted was too conceptual without any details and the commitment of the applicant to carry out the tree preservation and landscape works was in doubt due to the non-compliance with the previous approval conditions. The Commissioner for Transport (C for T) and the Chief Engineer/Mainland North, Drainage Services Department (CE/MN, DSD) also requested the applicant to provide relevant traffic surveys data and drainage proposals respectively;
- (d) during the first three weeks of the statutory publication period, six public comments were received. Four comments submitted by local villagers/residents supported the application mainly on the grounds that the proposed development could promote Chinese culture. The remaining two comments submitted by World Wide Fund for Nature Hong Kong and Designing Hong Kong Limited objected to the application mainly on the

grounds that the proposed development was not in line with the planning intention of the “Agriculture” (“AGR”) zone; land use incompatibility; setting of an undesirable precedent for similar applications in the area; and no traffic and environmental assessment had been conducted. 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 as set out in paragraph 11 of the Paper and highlighted below :
- (i) the application was not in line with the planning intention of the “AGR” zone. DAFC did not support the application as the site was considered suitable for agricultural rehabilitation in terms of green house cultivation and nursery. There were no exceptional circumstances or strong planning justification given for a departure from the planning intention;
  - (ii) CTP/UD&L, PlanD also had reservation on the application while C for T and CE/MN, DSD requested the applicant to provide relevant traffic surveys data and drainage proposals respectively. The applicant failed to demonstrate that the development would not generate adverse traffic, landscape and drainage impacts on the surrounding areas;
  - (iii) there were scattered residential developments in the vicinity of the site and possible noise nuisances to the surrounding uses generated by the proposed use were anticipated. Besides, there were public concerns on the environmental aspect. The applicant had not indicated any mitigation measures under the current application regarding the potential noise and environmental nuisances generated; and
  - (iv) the approval of the application would set an undesirable precedent for similar applications to proliferate into the “AGR” zone, causing degradation to the surrounding rural environment.

98. Members had no question on the application.

### Deliberation Session

99. The Chairman asked if the Environmental Protection Department had received any noise complaints concerning the existing Taoism retreat house in Ping Shan. Ms Bonita K.K. Ho said that she had no such information at hand.

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

- “ (a) the proposed development is not in line with the planning intention of the “Agriculture” (“AGR”) zone which is primarily intended to retain and safeguard good quality agricultural land/farm/fish ponds for agricultural purposes. This zone is also intended to retain fallow arable land with good potential for rehabilitation for cultivation and other agricultural purposes. There is no strong planning justification provided in the submission for a departure from the planning intention;
- (b) the applicant fails to demonstrate that the proposed development would not pose adverse traffic, landscape, drainage and environmental impacts on the surrounding areas; and
- (c) the approval of the application would set an undesirable precedent for similar applications within the subject “AGR” zone. The cumulative effect of approving such similar applications would result in a general degradation to the rural environment of the area.”

**Agenda Item 34**

Section 16 Application

[Open Meeting (Presentation and Question Sessions Only)]

A/TM-LTY Y/276 Proposed Temporary Shop and Services (Real Estate Agency) for a Period of 3 Years in “Village Type Development” Zone, Lots 1504 (Part) and 1505 (Part) in D.D. 130, Tsing Chuen Wai, Tuen Mun (RNTPC Paper No. A/TM-LTY Y/276A)

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Presentation and Question Sessions

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

- (a) background to the application;
- (b) the proposed temporary shop and services (real estate agency) for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 9 of the Paper. Concerned departments had no objection to or no adverse comment on the application;
- (d) during the first three weeks of the statutory public inspection period, one public comment was received from a Tuen Mun District Council Member supporting the application without providing reason. No local objection/view was received by the District Officer (Tuen Mun); and
- (e) the Planning Department (PlanD)’s views – PlanD considered that the temporary use could be tolerated for a period of 3 years based on the assessments as detailed in paragraph 11 of the Paper. The site was the subject of a previous application No. A/TM-LTY Y/246 and the permission was revoked in November 2013 due to non-compliance with the approval

condition on submission of drainage proposal. It was therefore recommended that shorter compliance periods be imposed on the approval conditions to facilitate close monitoring of the compliance progress.

102. Members had no question on the application.

#### Deliberation Session

103. After deliberation, the Committee decided to approve the application, on a temporary basis for a period of 3 years until 25.7.2017, on the terms of the application as submitted to the Town Planning Board (TPB) and subject to the following conditions :

- “ (a) no operation between 9:00 p.m. and 7:00 a.m. from Mondays to Sundays, as proposed by the applicant, is allowed on the site during the planning approval period;
- (b) the submission of drainage proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.10.2014;
- (c) in relation to (b) above, the implementation of drainage proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Drainage Services or of the TPB by 25.1.2015;
- (d) the implementation of the accepted fire service installations proposal within 6 months from the date of the planning approval to the satisfaction of the Director of Fire Services or of the TPB by 25.1.2015;
- (e) the submission of landscape proposal within 3 months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.10.2014;
- (f) in relation to (e) above, the implementation of landscape proposal within 6

months from the date of the planning approval to the satisfaction of the Director of Planning or of the TPB by 25.1.2015;

- (g) the submission of proposal on provision of pedestrian access to the site, as proposed by the applicant, within 3 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.10.2014;
- (h) in relation to (g) above, the implementation of proposal on provision of pedestrian access to the site, as proposed by the applicant, within 6 months from the date of the planning approval to the satisfaction of the Commissioner for Transport or of the TPB by 25.1.2015;
- (i) in relation to (h) above, the maintenance of the implemented pedestrian access to the site at all times during the planning approval period;
- (j) if any of the above planning condition (a) 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;
- (k) if any of the above planning conditions (b), (c), (d), (e), (f), (g) or (h) is not complied with by the specified date, the approval hereby given shall cease to have effect and shall on the same date be revoked without further notice;  
and
- (l) upon the expiry of the planning permission, the reinstatement of the site to an amenity area to the satisfaction of the Director of Planning or of the TPB.”

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

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

- (b) the planning permission is given to the development/uses and structures under application. It does not condone any other development/uses and structures which currently occur on the site but not covered by the application. The applicant shall be requested to take immediate action to discontinue such development/uses and remove such structures not covered by the permission;
- (c) shorter compliance periods are imposed in order to 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 by the TPB to any further application;
- (e) to note the District Lands Officer/Tuen Mun, Lands Department (LandsD)'s comments that the lots under application are Old Schedule Agricultural Lots held under the Block Government Lease. According to a site inspection on 25.2.2014, existing structures were found erected within the site. It is noted that the total built-over area and height of the existing structures are greater than those as stated in the application. It is also noted on the drainage proposal plan that portions of the proposed 375mm surface channel (to be connected to the public drain at the north of the site) would be laid on Government land and the adjoining private lot outside the site. In this regard, no drainage works should be carried out on Government land without his prior written approval/consent. The applicant is also required to obtain the necessary consent from the relevant lot owner for the proposed drainage works on the other private land. The owner(s) of the lots will need to apply to his office for Short Term Waivers (STWs) for erection of the structures on the lots. The STW proposals will only be considered upon his receipt of formal applications from the owner(s) of the lots. There is no guarantee that the applications will be approved and he reserves his comment on such. The applications will be considered by LandsD acting in the capacity as the landlord at is sole

discretion. In the event that the applications are approved, they would be subject to such terms and conditions as the Government shall deem fit to do so, including charging of waiver fees, deposits and administrative fees, etc.;

- (f) to note the Chief Building Surveyor/New Territories West, Buildings Department (BD)'s comments that if the existing structures are erected on leased land without approval of BD (not being a New Territories Exempted House) they are unauthorised under the Buildings Ordinance (BO) and should not be designated for any approved use under the captioned application. Before any new building works (including containers and metal sheet room as temporary buildings) are to be carried out on the application site, the prior approval and consent of BD 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 BD to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the application site under the BO. The site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;
  
- (g) to follow the latest "Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites" issued by the Environmental Protection Department to minimise potential environmental impacts on the surrounding area;

- (h) to note the Director of Environmental Protection's comments that there is no public sewer available in the vicinity of the site and all wastewater arising from the site should be collected, treated and disposed of in accordance with the Water Pollution Control Ordinance;
- (i) to note the Chief Engineer/Development (2), Water Supplies Department (WSD)'s comments that for provision of water supply to the development, the applicant may need to extend the applicant's 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;
- (j) to note the Director of Fire Services (D of FS)' comments that the installation/maintenance/modification/repair works of fire service installations (FSIs) shall be undertaken by an Registered Fire Service Installation Contractor (RFSIC). The RFSIC shall after completion of the installation/maintenance/modification/repair works issue to the person on whose instruction the work was undertaken a certificate (FS 251) and forward a copy of the certificate to D of FS; 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. For site within the preferred working corridor of high voltage overhead lines at transmission voltage level 132kV and above as stipulated in the Hong Kong Planning Standards and Guidelines published by the Planning Department, prior consultation and arrangement with the electricity supplier is necessary. Prior to establishing any structure within the site, the applicant and/or the applicant's contractor(s) shall liaise with the electricity supplier and, if

necessary, ask the electricity supplier to divert the underground cables and/or overhead line away from the vicinity of the proposed structure. The ‘Code of Practice on Working near Electricity Supply Lines’ established under the Electricity Supply Lines (Protection) Regulation shall be observed by the applicant and the applicant’s contractor(s) when carrying out works in the vicinity of the electricity supply lines.”

### **Agenda Item 35**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/432                      Proposed Temporary Open Storage of Construction Equipment and Materials for a Period of 3 Years in “Residential (Group B) 2”, “Residential (Group C)” and “Government, Institution or Community” Zones, Lots 3096, 3097, 3098, 3099, 3100, 3101, 3102, 3109, 3110, 3125, 3127, 3128, 3129, 3130, 3131, 3132 RP, 3134 RP and 3901 in D.D. 124, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/432B)

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105.            The Secretary reported that the application was submitted by a subsidiary of Sun Hung Kai Properties Ltd. (SHKP). Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with SHKP. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting. Members also considered that the interest of Mr Fu was direct, and he should leave the meeting temporarily for this item.

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

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

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

- (a) background to the application;
- (b) the proposed temporary open storage of construction equipment and materials for a period of 3 years;
- (c) departmental comments – departmental comments were set out in paragraph 10 of the Paper. The Director of Environmental Protection (DEP) commented that residential dwellings were found in close proximity to the site and the environmental nuisance would remain. As such, he could not support the application;
- (d) during the first three weeks of the statutory publication period and the publication of the further information, a total of 16 public comments were received. 14 of the comments submitted by individuals supported the application mainly on the grounds that the proposed development could optimise land use; increase the supply of open storage land; increase job opportunities; and was compatible with the adjoining open storage uses. The remaining two comments from Designing Hong Kong Limited objected to the application mainly on the grounds that the proposed development was not in line with the planning intention and was incompatible with the surrounding villages; it would affect housing supply; and the applicant had not demonstrated that there would be no adverse environmental and drainage impacts. No local objection/view was received by the District Officer (Yuen Long); and
- (e) the Planning Department (PlanD)'s views – PlanD did not support the application based on the assessments as set out in paragraph 12 of the Paper and highlighted below :
  - (i) the site fell mainly within Category 4 areas (about 98.26%) and with a small part within Category 3 areas (about 1.74%) under the Town Planning Board Guidelines for Application for Open Storage and Port Back-up Uses (TPB PG-No. 13E). The application did not comply with the TPB PG-No. 13E in that no previous permission for open storage at the site had been granted; there was no exceptional

circumstance which warranted approval; and there were adverse departmental comments. Approval of this application would set an undesirable precedent, even on a temporary basis;

- (ii) the application was not in line with the planning intention of the “Residential (Group B) 2”, “Residential (Group C)” and “Government, Institution or Community” zones. There was no strong justification provided in the submission for a departure from such planning intentions, even on a temporary basis;
- (iii) the proposed development was not compatible with the surrounding residential uses. Approval of the application would result in proliferation of open storage uses towards the residential use adjoining the site, which was undesirable; and
- (iv) the applicant failed to demonstrate that the proposed development would have no adverse environmental nuisance on the nearby residential use DEP did not support the application. Besides, there were adverse local objections to the application.

107. Members had no question on the application.

#### Deliberation Session

108. 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 site falls mainly within “Residential (Group C)” (“R(C)”) and “Residential (Group B) 2” (“R(B)2”) zones. The planning intentions of the “R(C)” and “R(B)2” zones are primarily for low-rise, low-density and sub-urban medium-density residential developments respectively. The proposed development is not in line with the planning intentions of the “R(C)” and “R(B)2” zones. There is no strong planning justification in the submission for a departure from the planning intentions, even on a temporary basis;

- (b) the proposed development is not compatible with the residential use to the immediate east and north of the site;
- (c) the proposed development does not comply with the Town Planning Board Guidelines No. 13E in that the site falls mainly within Category 4 areas, which is intended to phase out the non-conforming open storage uses, and there is no exceptional circumstance which warrants sympathetic consideration;
- (d) the applicant fails to demonstrate that the proposed development would have no adverse environmental nuisance on the nearby residential use; and
- (e) the approval of the application, even on a temporary basis, would set an undesirable precedent for similar applications especially within the “R(C)” and “R(B)2” zones. The cumulative effect of approving such similar applications would result in a general degradation of the environment of the area.”

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

### **Agenda Item 36**

#### **Section 16 Application**

[Open Meeting (Presentation and Question Sessions Only)]

A/YL-PS/447            Proposed Residential-cum-Commercial Development (Flat, Eating Place, Shop and Services) with Minor Relaxation of Building Height Restriction (from 12 storeys and 36m to 13 storeys and 42.053m) in “Comprehensive Development Area”, “Residential (Group A) 2” and “Road” Zones, Lots 2328 RP, 2328 S.B RP, 2340 RP, 2340 S.A ss1, 2340 S.A ss2, 2340 S.A ss3, 2340 S.A ss4 RP, 2340 S.A ss5 RP, 2340 S.A ss6, 2340 S.A RP, 2341, 2342 S.A, 2342 S.B ss1, 2342 S.B RP, 2342 S.C RP, 2342 S.D RP, 2343 S.A ss1, 2343 S.A RP, 2343 S.B RP and 2350 in D.D. 124 and Adjoining Government Land, Hung Shui Kiu, Ping Shan, Yuen Long  
(RNTPC Paper No. A/YL-PS/447A)

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109.            The Secretary reported that ADI Ltd. was one of the consultants of the applicant. Mr Ivan C.S. Fu and Ms Janice W.M. Lai had declared interests in this item as they had current business dealings with ADI Ltd.. Members noted that Mr Fu had no involvement in this application and Ms Lai had tendered apologies for being unable to attend the meeting. Members agreed that Mr Fu could stay in the meeting.

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

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

- (a)            background to the application – the site was the subject of a previous application No. A/YL-PS/426 for the same applied use and minor relaxation of building height restriction. The application was approved with conditions by the Committee on 3.1.2014;
- (b)            the proposed residential-cum-commercial development (flat, eating place, shop and services) with minor relaxation of building height restriction

(from 12 storeys and 36m to 13 storeys and 42.053m);

- (c) departmental comments – departmental comments were set out in paragraph 8 of the Paper. The Chief Town Planner/Urban Design and Landscape, Planning Department (CTP/UD&L, PlanD) had some reservation from landscape planning perspective;
- (d) during the first three weeks of the statutory publication period, two public comments were received from individuals objecting to the application. The major grounds were that the relaxation of building height restriction would cause adverse air ventilation and visual impacts, and was not compatible with the surrounding low/medium density building environment; there was no improvement in recreation and supporting facilities; and the tranquil environment should be preserved. No local objection/view was received by the District Officer (Yuen Long); and
- (e) PlanD's views – PlanD had no objection to the application based on the assessments set out in paragraph 10 of the Paper. The application was for proposed amendments to the previously approved scheme due to the increase in site area. There was no change to the maximum building height, site coverage and number of blocks. In this regard, CTP/UD&L, PlanD had no in-principle objection to the application from urban design and visual perspectives. Relevant government departments had no objection to or no adverse comment on the application and their concerns on vehicular manoeuvring space, run-in/run-out, fire safety, and landscaping could be addressed by imposing approval conditions. Regarding the public comments, the above assessments were relevant.

111. Members had no question on the application.

#### Deliberation Session

112. 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 25.7.2018, 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 design and provision of vehicular manoeuvring space, and parking and loading/unloading facilities of the proposed development to the satisfaction of the Commissioner for Transport or of the TPB;
- (b) the design and provision of run-in/run-out of the proposed development to the satisfaction of the Director of Highways or of the TPB;
- (c) the provision of water supply for fire fighting and fire service installations to the satisfaction of the Director of Fire Services or of the TPB; and
- (d) the submission and implementation of Landscape Master Plan including a tree preservation proposal to the satisfaction of the Director of Planning or of the TPB.”

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

- “ (a) the approval of the application does not imply that the proposed building design elements to fulfill the Sustainable Building Design Guidelines, the proposed bonus plot ratio and gross floor area (GFA) concession for the proposed development will be approved/granted by the Building Authority (BA). The applicant should approach the Buildings Department (BD) direct to obtain the necessary approval. If the building design elements and the GFA concession are not approved/granted by BA and major changes to the current scheme are required, a fresh planning application to the TPB may be required;
- (b) to note the District Lands Officer/Yuen Long, Lands Department (LandsD)’s comments that the site involves various private lots and some adjoining government land (GL). The applicant will need to apply to LandsD for a land exchange. However, the application will only be

considered upon receipt of formal application to his office by the applicant but there is no guarantee that the application (including the granting of additional GL) will be approved. Such application, if received by LandsD, will be considered by LandsD acting in the capacity as the landlord at its sole discretion. In the event any such application is approved, it would be subject to such terms and conditions, including among others, the payment of premium as may be imposed by LandsD. The actual site area of the private lots and GL involved will be subject to verification in the land exchange stage if any land exchange is applied for by the applicant to LandsD. For the clarification on the GFA calculations, he reserved his comments from lease point of view at the building plan submission stage upon completion of the proposed land exchange. For the exempted or non-accountable GFA, the applicant's clarifications were given on the basis of the Buildings Ordinance (BO). BD is in a better position to comment. Walkways connecting the commercial uses fronting Block E and F and the footpath along the southern boundary (outside the application boundary) are provided in between pocket gardens. The said walkways cannot be located in any of landscape plan or landscape master plans submitted by the applicant. In any case, the said walkways should not be proposed outside the site. The applicant's clarification that the open space at G/F fronting Blocks D, E and F would be private communal open space for residents and visitors is noted. The applicant should amend the relevant landscape master plans and open space framework plan accordingly to accord with the clarification;

- (c) to note the Chief Building Surveyor/New Territories West, BD's comments that emergency vehicular access shall be provided for all buildings to be erected on the site in accordance with the requirements under Building (Planning) Regulation (B(P)R) 41D. Detailed checking of plans will be carried out upon formal submission of building plan. In accordance with the Government's committed policy to implement building design to foster a quality and sustainable built environment, the sustainable building design

requirements (including building separation, building setback and greenery coverage) should be included. For items granted for exempted or non-accountable GFA as specified in the further information, full demonstration of fulfilling the exemption criteria stated in the relevant PNAPs is required at building plan submission stage for his consideration. Referring to the key plan of basement, the size of some plant rooms appears excessive. Undesignated/redundant spaces are also noted. He reserved his comment under B(P)R 23(3)(a) and 23(3)(b) during building plan submission stage in this respect;

- (d) to note the Commissioner for Transport's comments that no vehicle is allowed to queue back to public road or reverse onto/from the public road;
- (e) to note the Chief Highway Engineer/New Territories West, Highways Department (HyD)'s comments that the proposed vehicular access arrangement of the site from Hung On Lane should be commented and agreed by the Transport Department. The applicant should construct a run-in/out at the vehicular access point at Hung On Lane in accordance with the latest version of HyD Standard Drawings No. H1113 and H1114 or H5113, H5134 and H5135, whichever set is appropriate to match with the existing pavement. Adequate drainage measures should be provided to prevent surface water running from the site to the nearby public roads and drains. The design of the emergency vehicular access should be commented and approved by the Fire Services Department;
- (f) to note the Director of Fire Services' comments that detailed fire safety requirements will be formulated upon receipt of formal submission of general building plans. Provision of emergency vehicular access should comply with the Code of Practice for Fire Safety in Buildings 2011 which is administered by BD; and
- (g) to note the Head of Geotechnical Engineering Office, Civil Engineering and Development Department 's comments that the site is located within

Scheduled Area No. 2 and may be underlain by cavernous marble. For any development, extensive geotechnical investigation will be required. Such investigation may reveal the need for a high level of involvement of an experienced geotechnical engineer both in the design and in the supervision of geotechnical aspects of the works required to be carried out on the site. The applicant is reminded to submit the works to BD for approval as required under the BO.”

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

### **Agenda Item 37**

#### **Section 16 Application**

[Open Meeting]

A/TM/452

Proposed Columbarium and Residential Institution uses in the Redevelopment of Gig Lok Monastery in “Government, Institution or Community” Zone, Lot 2011 (Part) in D.D. 132 and Adjoining Government Land, Tuen On Lane, Tuen Fu Road, Fu Tei, Tuen Mun (RNTPC Paper No. A/TM/452A)

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114. The Secretary reported that Environ Hong Kong Ltd. (Environ) and Landes Ltd. are two of the consultants of the applicant. The following Members had declared interests in this item :

- Dr C.P. Lau - owned a residential property in proximity
- Mr Ivan C.S. Fu - having current business dealings with Environ and Landes Ltd.
- Ms Janice W.M. Lai - having current business dealings with Landes Ltd.

115. Members noted that Ms Lai had tendered apologies for being unable to attend the meeting. Members also noted that the applicant had requested for deferment of consideration of the application and Dr C.P. Lau's property did not have a direct view on the application site while Mr Ivan C.S. Fu had no involvement in this application. Members agreed that they could stay in the meeting.

116. The Secretary reported that on 10.7.2014, the applicants had requested for deferment of the consideration of the application for two months in order to allow time to prepare further information to address concerns raised by the Commissioner for Transport and the Commissioner of Police. This was the applicants' second request for deferment.

117. After deliberation, the Committee decided to defer a decision on the application as requested by the applicants pending the submission of further information from the applicants. 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 applicants. If the further information submitted by the applicants 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 applicants that two months were allowed for preparation of the submission of the further information. Since this was the second deferment of the application and a total of four months had been allowed, no further deferment would be granted unless under very special circumstances.

**Agenda Items 38 to 41**

Section 16 Applications

[Open Meeting]

A/TM/458 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Road” Zones, Lots 538 S.E. ss.1 & 538 S.E. RP in D.D.130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM/458)

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A/TM/459 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Road” Zones, Lots 538 S.H ss.1 & 538 S.H RP in D.D. 130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM/459)

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A/TM/460 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Road” Zones, Lots 538 S.I ss.1 & 538 S.I RP in D.D. 130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM/460)

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A/TM/461 Proposed House (New Territories Exempted House - Small House) in “Village Type Development” and “Road” Zones, Lots 538 S.J ss.1 & 538 S.J RP in D.D. 130, To Yuen Wai, Tuen Mun  
(RNTPC Paper No. A/TM/461)

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118. The Secretary reported that Mr W.C. Luk, Chief Traffic Engineer/New Territories West, Transport Department had declared interests in these items as his spouse owns a flat at Botania Villa near the application sites. Members noted that the applicant had requested for deferment of consideration of the application and agreed that Mr Luk could stay in the meeting.

119. The Committee noted that the four applications were similar in nature and the sites were located in close proximity to one another and within the same zone. The Committee agreed that the applications should be considered together.

120. The Secretary reported that on 18.7.2014, the applicants had requested for deferment of the consideration of the applications for two months in order to allow time to address comments raised by the Environmental Protection Department. This was the first time that the applicants requested for deferment.

121. After deliberation, the Committee decided to defer a decision on the applications as requested by the applicants pending the submission of further information from the applicants. The Committee agreed that the applications should be submitted for its consideration within two months from the date of receipt of further information from the applicants. If the further information submitted by the applicants 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 applicants 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 42**

### Any Other Business

#### Section 16A Application

[Open Meeting]

A/YL-TT/301-12

Section 16A Application No. A/YL-TT/301-12

Application for Extension of Time for Compliance with Planning Condition, Lots 4891 RP (Part), 4892 (Part) and 4893 (Part) in D.D. 116 and Adjoining Government Land, Tai Tong Road, Yuen Long (RNTPC Paper No. A/YL-TT/301-12)

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122. The Secretary reported an application for extension of time (EOT) for compliance with planning conditions (b), (c), (e) and (g) under application No. A/YL-TT/301 was received on 14.7.2014. The application had been approved with conditions by the Committee on 20.4.2012 for temporary shop and services (real estate agency) for a period of 3 years up to 20.4.2015. Approval condition (b) was related to the submission of parking arrangement proposal within 6 months until 20.10.2012 (extended ten times to 27 months

until 20.7.2014). Approval condition (c) was related to the implementation of parking arrangement proposal within 9 months until 20.1.2013 (extended nine times to 27 months until 20.7.2014). Approval condition (e) was related to the implementation of run-in/out proposal within 9 months until 20.1.2013 (extended nine times to 27 months until 20.7.2014). Approval condition (g) was related to the implementation of landscape and tree preservation proposals within 9 months until 20.1.2013 (extended nine times to 27 months until 20.7.2014). The current EOT application was received on 14.7.2014 with further information received on 17.7.2014 and 18.7.2014, which were within five working days before the expiry of the specified time limit for conditions (b), (c), (e) and (g) on 20.7.2014. According to the Town Planning Board Guidelines No. 34B for Renewal of Planning Approval and Extension of Time for Compliance with Planning Conditions for Temporary Use or Development, an application submitted less than six weeks before the expiry of the specified time might not be processed for consideration of the Town Planning Board, as there was insufficient time to obtain departmental comments before the expiry of the specified time limit for compliance with the condition which were essential for the consideration of the application. Hence, the application was recommended not to be considered.

123. After deliberation, the Committee agreed that the application for EOT for compliance with planning conditions could not be considered for reasons that conditions (b), (c), (e) and (g) had already expired on 20.7.2014, and the planning approval for the subject application had ceased to have effect and had on the same date been revoked. The Committee could not consider the section 16A application as the planning permission no longer existed at the time of consideration.

124. There being no other business, the meeting was closed at 4:45 p.m..